THE

NORTH AMERICAN REVIEW.

SEPTEMBER, 1883.

No. 322.

Tros Tyriusque mihi nullo discrimine agetur.

NEW YORK:
No. 30 LAFAYETTE PLACE.
1883.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

COPYRIGHT BY
ALLEN THORNDIKE RICE.
1883.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NORTH AMERICAN REVIEW.

SEPTEMBER, 1883.

ART. PAGE.

I. STATE REGULATION OF CORPORATE PROFITS. By T. M. COOLEY, Justice of the Supreme Court of the State of Michigan 205

II. MUNICIPAL REFORM. By JOHN A. KASSON, Member of Congress 218

III. CLASS DISTINCTIONS IN THE UNITED STATES. By RICHARD GRANT WHITE 231

IV. SHOOTING AT SIGHT. By JAMES JACKSON, Chief-Justice of the Superior Court of the State of Georgia 247

V. FACTS ABOUT THE CAUCUS AND THE PRIMARY. By GEORGE WALTON GREEN. 257

VI. CONVERSATIONS WITH A SOLITARY. PART II. By W. H. MALLOCK. 270

VII. THE LIMITATIONS OF FREETHINKING. By the Rev. D. S. PHELAN, LL. D. 287

VIII. AN AMERICAN WILD FLOWER. By GRANT ALLEN. . 296

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NORTH AMERICAN REVIEW.

No. CCCXXII.

SEPTEMBER, 1883.

STATE REGULATION OF CORPORATE PROFITS.

At the time when the Federal Constitution was adopted, municipal government in America was a very simple affair, and was managed with ease and economy through local officers, who provided for the making and repairing of roads, looked after disorderly characters, abated local nuisances, and levied rates for the few and simple public needs. When the growing population of a particular locality appeared to need larger powers of local government, the legislature granted them, but they often involved little more than the holding of fairs as a means of building up local trade, the institution of a local court for the trial of petty cases, a few simple precautions against fires, the employment of watchmen, provision for the streets, and authority to levy taxes under very narrow restrictions to meet the corporate expenses for these purposes. State government was more complicated, but it was vastly less so than it has since become.

Changes, the most of which have taken place within fifty years, have made everything different. The railroad has come, for good and for evil, and has displaced not only the old stage-coach, but to a large extent also the use for trade and travel of the common roads. The State and its municipalities provide the common highway and keep it in repair, and it seems there-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fore to be within their authority if not their duty, now that the railway has become the chief convenience of travel and transportation, to provide that also. The use of coal gas has become common for illuminating purposes, and the proper police of all urban communities requires that the authorities should provide it, or something equivalent or better, for public streets and places. The telegraph and the telephone are to some extent superseding the post-office, and are quite as much a public necessity. The advance in sanitary science makes us acquainted with the dangers of imperfect city sewerage, and of impure water, and we are compelled to abandon the town pump, and to bring from a distance an abundant supply of pure water for domestic and public use. We also see the necessity of giving to the city population the opportunity of breathing pure air in parks which are shaded with trees and refreshed with fountains. Here are important public wants, every one of which is expensive, and must be provided for, if at all, at a cost of taxation which to our frugal ancestors would have seemed almost like confiscation.

When a public need is thus discovered or felt, the first question often is, whether it shall be met by the Government directly, and at its own expense, or whether the franchise of providing for it shall be conferred upon individuals, with the privilege of making it a source of profit. The former is the method which apparently is most consistent with republican institutions, for it grants no favors, and does not complicate individual with governmental affairs. But in practice it is found subject to very serious objections. We know what some of these are, for they have been confronting us for many years, and subjecting us sometimes to disaster and disgrace. The cost leads to great debts, and these are commonly great calamities. The management of railways, lighting works, the telegraph, or the telephone is a business, requiring in those who take it up not only a scientific preparation and training, but also the same attention, care, prudence, economy, and circumspection which in any private business are the requisites of success. Whether in the hands of a municipality such a business will be subjected to the proper management must depend, directly or remotely, upon the annual elections. These, when honestly conducted, with exclusive regard to the proper municipal issues, are by no means certain to bring to the front men of business energy and capacity, and when they do, are not sure to put them in the places most suited

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to their abilities. But when municipal elections are, as now, conducted upon national issues, with which they have no concern whatever, we may take it for granted that the majority of those who seek and obtain the offices will not be men distinguished for their business qualities, or who have been found successful in the management of their own affairs. The public works of states and cities are, therefore, likely to fall into the hands of those who will not manage them with skill or with high business capacity. But what is worse is, that so long as the practice continues of making municipal offices and places the spoils of party warfare, it must be expected, and will certainly happen, that the dominant party or its local leaders will manage from the control of public works to derive profits for themselves at the expense of the community. There seems, therefore, to be strong if not controlling reasons, whenever the supply of a public convenience can assume the form of a private and continuous business, for permitting it to take that form, and for granting to individuals the necessary franchise for the purpose.

But to grant such a franchise is to give a special privilege which presumably has pecuniary value. It is therefore to prefer some citizens, who are made the recipients of the grant, over citizens in general; and though this is unavoidable, it is in a sense invidious. In many cases also, the privilege from its nature must be exclusive; and we are to have persons carrying on a business as a public agency, with the public as a customer, but without the competition which, in the case of ordinary business, is supposed to be the sole protection against extortionate demands. We thus have the odious features of monopoly, as the result of a grant of a public privilege; and this will be obnoxious in proportion to the opportunity it gives for unjust exactions, and to the neglect on the part of the State to provide against them.

But suppose the State, when granting the privilege, makes no provision against an extortionate use of it for the purposes of private gain, is it powerless to do so afterward? No question more important than this has hitherto demanded the attention of the country. If the State may grant irrepealable and unchangeable franchises of all sorts, we may find, after a few years of foolish or corrupt rule, that it has bartered away a large part of its ability to be useful to the people, and that, instead of existing for the equal and common good of all, it has built up privileged classes to whom the functions of government have

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

been granted or pledged. It would be easy to imagine a state of things that might become intolerable.

When the force, effect, or binding nature of a public grant, and especially of a corporate grant, is in question, we turn spontaneously to the Dartmouth College case for the light and the law that must guide and govern us. That case has tended to fix in the public mind the impression that whatever can be obtained in the form of a legislative grant has a property character affixed to it, which entitles it to common protection with the earnings of industry and the legitimate accumulations of capital, and that it also has something of the sacredness supposed to inhere in public compacts and treaties, and must be specially guarded for that reason. The decision has been extolled beyond measure for its preëminent wisdom and beneficence; and it has been assumed that without it the protection of contracts would have been impossible, and especially that the prodigious results of corporate organization, which has done so much to enrich and improve the country, could never have been attained. But if the Dartmouth College case brought blessings, it also created alarm; the corporations protected by it acquired a greatness, wealth, and power which the political instincts of the people made them distrust and fear; and in recent constitution making they have given distinct expression to the belief that a legislature with authority to tamper with corporate powers is less to be feared than a legislature with authority to grant irrepealable franchises and privileges. The revised State constitutions of recent date have therefore taken from the legislative department the power to grant corporate charters, except subject to the unalterable condition, as a part of the contract, that the charter may be altered or repealed in the legislative discretion; and that condition, in the case of nearly all recent corporations, is a part of the law of their being. It has been imposed under the influence of a fear that without it not only were corporations likely to become too powerful for effectual control, but also that the State was in danger of stripping itself for their benefit of essential powers.

There are still some charters, however, that, having been granted without the condition, are not subject to repeal or amendment at the legislative will; there are also important franchises in the hands of unincorporated persons. And in examining the State power to regulate charges, it seems necessary to consider it, first, as it would exist at the common law; second,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

under charters not repealable or amendable; and, third, under charters which are subject to legislative control.

First. Of the corporations serving public ends, the most important are railways. These are chartered that they may establish the business of carrying for hire the property and the persons of those who may desire that service. This is a business well known to the common law, and has long been recognized as having a semi-public character which made it an exception to private business in general. The law permitted persons to assume the character of common carriers only upon certain conditions; one of which was that they should carry impartially for all persons. Another condition was that they should carry property at reasonable rates;* and, in the absence of special bargain, the law, when necessary, undertook to determine what might be reasonable rates under the circumstances. But, subject to these and a few other conditions, any one might offer his services as a public carrier; he needed no State permission for the purpose. And no doubt he might build a railroad and operate it in his business, if he could purchase for his track a right of way; but he would operate it under the same common law conditions which other public carriers must observe. He would therefore be under the restriction that his charges should be reasonable.

But legislative permission to build and operate a railroad is commonly a necessary requisite. Highways must be crossed and public places intersected or occupied; and a railroad upon any of these, without permission of the State, would be a public nuisance, and subject as such to indictment and removal. It becomes necessary also to resort to the eminent domain to force sales of lands for a right of way by persons who will not voluntarily part with them or who take advantage of the circumstances to demand exorbitant prices. But, in addition to other impediments to individual construction, the capital required for the purpose is so great that only the coöperation of many persons can secure it; and the safe and convenient method of coöperation is under corporate forms. We therefore, of necessity, have charters for railway companies.

* Harris *v.* Packwood, 3 Taunton, 264; Oppenheim *v.* Russell, 3 Bos. and Pul. 42; Ashmole *v.* Wainwright, 2 Q. B. 837; Fitchburg R. Co. *v.* Gage, 12 Gray, 395; McDuffee *v.* Railroad Co. 52 N. H. 430; Johnston *v.* Railroad Co. 16 Fla. 623; Holford *v.* Adams, 2 Duer, 471; Streeter *v.* Railroad Co. 45 Wis. 383.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If these companies received from the State nothing beyond the franchise to be a corporation for operating a railway, they would, when formed, become merely carriers of goods and persons under common law rules; and we need look no further to ascertain their duties and obligations. But they receive from the State many other franchises and privileges. They are permitted, as has been said, to have the aid of the eminent domain, and to occupy public streets and places. Sometimes they are favored in the matter of taxation; sometimes the power to tax is employed to aid them; and always there are exceptional rules of police for their convenience and protection. All these are special favors which they receive from the State to enable them to set up and carry on with profit their business as common carriers; and the inducement—if not the right—to grant them must be found in the fact that they are created to subserve public ends. It is quite certain that they could be given power to interfere with private property on no other ground whatever.

We have, then, railway companies existing as common carriers, and subject to the common law obligation to make only reasonable charges. But what are reasonable charges? Reasonable prices in general are such prices as are determined by demand and competition; and they do not necessarily lose their character as reasonable, because, under the pressure of demand and in the absence of competition, they become very profitable. If, therefore, a railway corporation is to be regarded as occupying in all respects the position of a common law carrier, large profits will not necessarily determine its charges to be unreasonable. But when the company receives from the State special privileges and grants of power, on the understanding that these are conferred in the public interest and to subserve public ends, it is not by any means certain that its profits may not justly be used as a test of the reasonableness of its charges. The charter is granted for the mutual benefit of the State and the corporators; and, while it contemplates reasonable returns to the latter on their investment, it cannot fairly be understood to contemplate anything more. In determining what are such returns, all the risks to which the investment is subject are to be taken into the account; and it is obvious that these are much greater than the risks which attend the loaning of money on security. But charges can only be regulated for the future; and this must necessarily be done, either by the company itself or by the State,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

upon estimates of the business likely to be done and its cost. That the company could not be exclusive judge in doing this even at the common law has already been seen; and as no third power can intervene except by mutual consent, it seems to follow of necessity that the State may limit profits as well as charges. The judicial decisions go to this extent, that when the State establishes a maximum of charges, these charges are to be deemed, *primâ facie*, at least, reasonable.*

The case of corporations which are created to serve public ends, in new ways and by means of new inventions and discoveries, differs from that of railroad companies in this, that their business being new, duties and obligations of exceptional character have not been prescribed for them by the common law. A telegraph company, for example, is not a common carrier, and therefore does not come under the rules which control the carrier's business. But there is precisely the same reason why the State should regulate its business and keep its charges within the limits of reason that applies to the business of railways. The telegraph exists only by permission of the State, and is only constructed by the aid of the eminent domain. The main object in granting the aid is to promote the public convenience and welfare, by means of the telegraph as a public agency; but incidentally and as a consideration for its service to the public, the company is expected to make a profit for its members. If the charges that are to produce this profit may be imposed at discretion, the State is at the mercy of the agent it has created; the main purpose is subordinated to the incidental. There can never be any implication that this was the intention in any grant for a public purpose. A fair and reasonable use of the grant must always be understood; and obviously what the public shall pay for the conveniences which the grant secures for it is matter of the highest moment. It is just as much within the proper police authority of the State to keep a telegraph company from abusing its powers in the matter of charges as it is to prevent other abuses. And this may be done in strict accord with the principles of the common law, and by virtue of powers which are inherent in every sovereignty.

* The Granger Cases, 94 U. S. Reports, 155, 164, 179, 180, 181; Shields *v.* Ohio, 95 U. S. Reports, 319. As to the elements of reasonable charges, see Pickford *v.* Grand Junction R. Co. 10 Mee. & W. 399.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Second. Where charters exist which have been granted without the reservation of the power to amend or repeal, the State must abide by the grant, and if it was improvident, must suffer the consequences. All that can be done is to see that the incorporators themselves observe the conditions of the charter according to its true intent, and if they fail to do so, to forfeit it. This is the rule of constitutional law, and it is also the rule of public honor and integrity.

Charters, however, are not often their own sufficient interpreters; and the question of construction in respect to the power to make charges and accumulate profits is often troublesome. The grant of this power is sometimes subject to a maximum limit; and, when that is the case, nothing which observes the limit can be deemed abuse. But more often the grant is either silent on the subject of charges — in which case the corporation by implication would be empowered to fix them — or it gives the power to the corporation in general terms, and prescribes no maximum. In the first of these cases, the right of the State to restrict corporate charges is unquestionable. In the second, though long and earnestly contested, it is now well settled. The ground on which it is affirmed is, that the State, in conferring upon the corporation the right to charge for the services rendered to the public, without expressly abdicating the power of control, must be understood to have reserved it. All corporate grants are to be strictly construed, and it must always be assumed that the State proposed to give nothing which it has not given in express terms, and that the grantees have bargained for and secured in express terms everything they understood they were to have. A railroad charter, therefore, which authorizes the company to establish such rates for the conveyance of persons and property as it shall from time to time determine by its by-laws, confers the power subject to the higher authority in the State to regulate the rates itself if the circumstances shall seem to demand its interposition.*

It may become a question at some future time whether an express grant to a corporation of the exclusive right to fix its own charges is not subject, like all other corporate franchises, to the implied condition that it shall not be abused. The penalty for the abuse of franchises is forfeiture by judicial proceeding

* Ruggles *v.* People, 91 Ill., 256, recently affirmed in the Federal Supreme Court; Shields *v.* Ohio, 95 U. S. Rep. 319.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

at the instance of the State; and it is conceivable that cases of such outrageous extortion and palpable injustice might occur as would justly subject a corporation to this punishment. But the remedy being severe would be applicable in extreme cases only.

Third. Whenever, in granting corporate franchises, the power to amend or repeal at will has been reserved, the control of the State must be deemed practically absolute. It is of no importance that the charter confers upon the corporation the exclusive authority to fix its own charges, for the legislature may at any time revoke the grant or set limits to it. The corporators have accepted it with the distinct understanding that they have only an estate at will in their franchises, and have consented to assume all risks of State power being exercised prejudicially. No contract is therefore violated and no faith broken when the State asserts its authority.*

It may nevertheless be a great hardship, and it may be fall the corporation as well when it is blameless as when it is criminal. If corporate powers are taken away on judicial forfeiture, the judgment determines that there has been corporate misconduct deserving it; but when the legislature acts under its reserved power, it is not necessarily to be inferred that any corporate misbehavior exists or is charged. Corporate franchises are granted on considerations of State policy, and they may be taken away upon no other reason than that the legislative view of State policy has changed. At one period, we deem it wise to create State banks of issue; at another, we look upon them as needless, and proceed to legislate them out of existence, even though we make against them no complaint of failure in duty. The reason is that we have discovered a better way.

But what is the effect of the repeal of a corporate charter? The franchise to be a corporation is gone, of course, but corporate property remains. If the corporation was a water supply company, there are the buildings and machinery, the pipes in the ground, the hydrants, etc.; if it was a railroad company, there are the rolling stock, the stations, the machine shops, and the track. In either case, what is permanently under or upon the ground,

* McLaren *v.* Pennington, 1 Paige, 102; Crease *v.* Babcock, 23 Pick. 334; Miners' Bank *v.* United States, 1 Greene (Iowa), 553; Railroad Co. *v.* Sharp, 5 Harr. (Del.) 454; The Granger Cases, 94 U. S. Rep.; Shields *v.* Ohio, 95 U. S. Rep. 319.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and valuable chiefly for use where it is, is likely to be of far greater value than that which is movable and which can be sold for use elsewhere. The corporation while in existence acquired the property and the right to use it where it has been placed; and any legislation which takes away the right to use it there according to the intent is practical confiscation. Nobody now disputes that the corporators, when their charter is taken away, retain their property, or that it may be subjected to the payment of corporate debts; but when the chief property value consists in the right to use what they have where it has been permanently placed, if the corporators can neither as tenants in common nor in any other capacity any longer use it themselves, or sell it to others for use, we shall be within bounds if we say that there are now within the United States several billion dollars' worth of corporate property, which, as against the action of legislative majorities, has no constitutional protection whatever. Even an amendment of corporate charters, by reducing rates below the cost of service, might be practical annihilation, and destroy not only the value of the stock but the means of paying corporate debts. This may in some cases be a necessary result of unfriendly legislation under the corporate system we have consented to adopt; but it must be conceded that there are serious evils in having any part of the property within the State with no protection but such as may be found in popular favor toward those who own it.

Chief-Justice Shaw said, in one case, that "Where, under power in a charter, rights have been acquired and become vested, no amendment or alteration of the charter can take away the property or rights which have become vested under a legitimate exercise of the powers granted."* He did not profess to decide the case then before him on this principle, though he held an amendment unwarranted which was made under full reservation of power. Afterward, in an opinion by his successor in the same court, it was decided that, while the legislature might, under its power to amend, authorize a corporation to undertake new and additional enterprises of a nature similar to those embraced within the original grant of power, if the act was accepted by a majority of the stockholders in the manner provided by law, it could have no such power without the acceptance, because the effect would be to alter the charter

* Commonwealth *v.* Essex Co. 13 Gray, 239, 253.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

contract between the corporation and its members.* Possibly these are to be taken as indications that, even when the power of control is reserved in the broadest terms, the courts must, if possible, find some means of reconciling radical changes or repeals with the fundamental rules of right and justice.†

It ought to be said, however, that much of the legislation which would prove injurious to corporations has right and justice distinctly in contemplation, and is promoted in the sincere belief that the public good requires it. If mischief results from its adoption, it must be attributed to error in judgment or misinformation on the part of those who enacted it. Propositions to regulate the charges of railroad companies are likely to be of this sort. Legislators are likely to think just regulation easy and simple, and in the case of passenger traffic it may be found to be so; but the charges for the transportation of property are governed by conditions which no legislation can possibly change or control, and which railroad companies must observe whatever the statute may say. The law of competition in a country politically divided like ours is an imperious and exacting master; and statutes at most can only modify its operation, while pools at most can only prevent its operating disastrously. What is a fatal impediment to its control by law is, that the States and the nation have, in respect to it, a divided power; and while it is for the interest of the nation at large to encourage the competition which favors long hauls, it is for the interest of localities to make competition most active in short hauls. A State is therefore likely to favor legislation which compels proportional charges, or something near such charges, for all distances; but this, if it could be adopted and enforced, would preclude the great through lines of New York and Pennsylvania from competing at Chicago, St. Paul, and St. Louis in the grain-carrying trade of the Northwest, and would reduce such links as are wholly within a State, to the condition of mere local roads, compelled to make high charges or go into bankruptcy. But whenever State power should thus be exerted prejudicially, it can hardly be doubted that Congress would interfere, under its authority over inter-State commerce, in aid of those competitive forces which

* Durfee *v.* Railroad Co. 5 Allen, 230.

† See Shields *v.* Ohio, 95 U. S. Rep. 324; Sinking Fund cases, 99 U. S. Rep. 700; San Mateo County *v.* Railroad Co., decided at the Circuit by Mr. Justice Field, and now awaiting decision in the Federal Supreme Court.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

silently but steadily have forced down the charges for railway service.*

It is not alone in the matter of railway regulation that law-making is likely to be ill-advised and detrimental to both public and private interests. The supply of public conveniences to cities is commonly a monopoly, and the protection of the public against excessive charges is to be found, first, in the fact that low prices generally extend the market, and, second, in the municipal power of control. Except in very large cities, public policy requires that for supplying light or water there should be but one corporation, because one can perform the service at less rates than two or more, and, in the long run, will be certain to do so. But scheming men make periodical attacks upon corporations existing for these and similar purposes, and with a popular cry for their watchword, they can always enlist local interest in their favor. If they succeed in obtaining a rival franchise, the subsequent history is commonly this: a war of rates for a season, and then either a sale of one franchise to the owners of the other, or a division of the territory, or an agreement upon charges. The final result is that the two supply the market at a greater cost than the one, and the additional cost is paid by the public. Whoever expects that a destructive competition is to be continued indefinitely must have a faith in the integrity and public virtue of local boards which experience scarcely justifies. The legislation which exposes a great property, invested in a public enterprise, to disastrous risks offers a direct temptation to irregular and crooked proceedings. If men solicit from a city council a franchise which they cannot legitimately make profitable, it is a natural inference that they propose either to use it as trading property or in some way to find their profit in the manipulation of future councils.

The true policy of the State is to give due and full protection to corporate property, and at the same time to insist on the

* In 1870, the average rate per mile for the transportation of a ton of freight over seven great lines of road radiating from Chicago was 2.227 cents. In 1880, it had come down by steady reduction to 1.090. On the Michigan Central, whose freights have been unaffected by legislation, the average charge for moving a ton of freight thirty miles is now about the same as the twenty-five cents which one expects to pay a truckman for moving a box of goods from one street to the next. There are roads in the country whose charters permit a charge of five cents per mile for passengers, but the exigencies of the business compel their managers to accept three.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

faithful performance of corporate duties. It is no more for its interest to invite and encourage raids on corporations than it is to countenance vast corporate profits for which no adequate return is made. In some kinds of business competition will keep corporations within the limits of reason in their charges; in others it will not. When it will not, it may become necessary to legislate upon profits. If the business is simple, like the supply of light or water, this can be done by prescribing a tariff of rates; but sometimes a tariff of rates prescribed by law could only be mischievous. It would generally be so in railroad transportation of property, except in the case of mere local roads. Rates must yield and accommodate themselves to innumerable circumstances and contingencies, expected and unexpected; and these must be met and provided for by the governing power as they arise. No other known business requires larger technical skill, greater ability, or wider experience. And the ablest, wisest, and most experienced man would be guilty of an act of supreme folly, if, with ample power, he undertook to prescribe unbending rules for future charges. To prescribe tariffs of rates for one road, or the roads of one State, which the competitors are not obliged to observe, would be like prescribing in advance by law the movements of an army, while the enemy was at liberty to maneuver at discretion. Railroad competition is an earnest strife, if not a warfare; and experience hitherto has shown that all that can be done by common arrangements and understandings is simply to prevent the strife becoming mutually destructive.

T. M. Cooley.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MUNICIPAL REFORM.

ARE our municipal defalcations, extravagances, and tax burdens irremediable? Have a hundred years of American experience taught us nothing? Can we be instructed either by our own history, or by three hundred years of the experience of the municipalities of modern Europe? It is to be regretted that no census will show us the amount of the criminal misappropriations of public treasure, or the aggregate of wasteful expenditure and wasted interest, under the head of municipal administration. But the census of 1880 gives the data for a comparative statement of public indebtedness and of its origin which is not calculated to provoke our mirth. It compares the indebtedness of each State, incurred for all purposes of State government, with the total indebtedness of its towns, incurred nominally for municipal objects. It is to be remembered that the towns burdened with this indebtedness form topographically a small section of the territory over which the State taxation is diffused, and represent only a portion of the resources on which the State relies.

STATEMENT SHOWING THE STATE DEBT, IN COMPARISON WITH THE CITY AND TOWN DEBT, OF EACH STATE IN THE UNION.

	State Debt.	*City and Town indebtedness.*
Maine	$5,848,900	$18,247,822
New Hampshire	3,561,200	6,390,593
Vermont	4,000	4,223,942
Massachusetts	33,034,726	87,223,947
Rhode Island	2,534,500	12,425,401
Connecticut	4,967,600	17,793,062
Total for the New England States	$49,950,926	$146,304,767

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

	State Debt.	*City and Town indebtedness.*
New York	$8,988,360	$217,825,069
New Jersey	1,896,300	43,934,721
Pennsylvania	21,561,990	100,054,742
Delaware	880,750	1,417,613
Maryland	11,277,111	21,255,842
District of Columbia	.....	22,886,769
Total for the Middle States (with District of Columbia)	$44,604,511	$407,374,756
Ohio	$6,476,805	$43,424,119
Indiana	4,998,178	9,246,419
Illinois	.....	21,106,504
Michigan	905,150	6,436,300
Wisconsin	2,252,057	7,170,345
Iowa	370,435	3,910,398
Minnesota	2,565,000	3,714,440
Missouri	16,259,000	28,497,755
Kansas	1,181,975	2,856,566
Nebraska	499,267	757,173
Colorado	212,814	560,573
Nevada	75,396	132,000
Oregon	511,376	98,774
California	3,403,000	7,590,337
Total for the Western States	$39,710,453	$135,501,703
Virginia	$29,345,226	$11,840,620
West Virginia	.....	941,162
North Carolina	5,706,616	1,000,591
South Carolina	6,639,171	5,862,089
Georgia	9,951,500	9,698,863
Florida	1,284,980	1,055,636
Alabama	9,071,765	3,953,514
Mississippi	379,485	498,942
Louisiana	23,437,640	18,324,344
Texas	5,566,928	3,588,178
Arkansas	5,046,405	765,975
Kentucky	1,858,008	12,276,537
Tennessee	27,440,431	6,888,581
Total for the Southern States	$125,728,155	$76,696,032
Total for all the States	$259,964,045	$765,875,258

Omitting fractions, it appears that in the State of Massachusetts the proportion of State debt to town debt is, approximately, as 33 to 87; in Vermont, as 0 to 4; in New York, as 8 to 217; in

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

New Jersey, as 1 to 43; in Pennsylvania, as 21 to 100; in Ohio, as 6 to 43; in Illinois, as 0 to 21; in Iowa, as 0 to 4; in Missouri, as 16 to 281; in California, as 3 to 7; in Kentucky, as 2 to 12. In the South generally the conditions are reversed; although in South Carolina, Georgia, and Florida, the two classes of debt are about equal in amounts.

In the New England group of States, the proportion is as 49 to 146; in the Middle States, including the District of Columbia, as 44 to 407; in the Western States, as 39 to 135; and in the Southern States, as 125 to 76. In all the States, except those of the South, it is as 134 to 689; and including all the States, it is as 259 to 765.

Stating it roundly in another form, it appears that of the aggregate State and town debt in the New England States, about seventy-four per cent. has been created by the towns in their self-governing capacity; in the Middle States, about ninety per cent.; in the Western States, about seventy-seven per cent.; and in the Southern States, about thirty-eight per cent. In the Southern group, the balance of extravagance and misrule seems to have been with the State governments. But when the comparatively small number and size of their towns is considered, the proportion of burden resting upon them is still very large.

We now see where and whence the greatest burdens of taxation fall. The most just as well as the most grievous complaints come from the local municipalities. Like the patient camel, they have felt the addition of weight to weight, and while uttering moans as the loading goes on, have been helpless to untie a single cord which binds the burden to their backs. They protest, and they appeal to the courts. Justice tells them a contract is binding, and that the fault is their own; or, if of doubtful legality, that the innocent holder of their bonds has higher claims to protection than those who elected the mismanaging authority. The majority of electors bind the minority, though the latter may pay four-fifths of the taxes. And so the tax-eaters, aided by some small tax-payers, may create the debts, and bind firmly the burden to the shrinking shoulders of the debt-payers. When the expenditures have been made for legitimate objects, such as the improvement of streets, paving, bridges, sewers, etc., under the present system the work is often done so recklessly and irresponsibly, that the construction has ceased to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

exist, or has required reconstruction, before the maturity of the debt which was originally incurred for it. There is neither effectual inspection nor rigid accountability. The contractor has pocketed his money in haste, and the municipality repents at leisure.

This vast aggregate of debt has been accumulated in some of the States subject to a constitutional or legislative provision which limits the total of municipal indebtedness to five per cent. of the valuation of taxable property; and also to legislation which establishes a maximum rate of permissible taxation. The former rule has in places been defied, and at times evaded, by political greed, which has so raised the valuation as to satisfy its lust within the lawful rate of assessment. Where political favoritism and official peculation have run wanton, and thievery has become too bold by success, private association outside the legal functionaries, who were themselves chained to the car of the corrupt mob which controlled their election, has inspired and organized successful revolution. But this once done, the reforming association dissolves, vigilance ceases, the wrath of virtue is appeased, while vice again in silence prepares its campaign in club, or caucus, or primary, and advances with stealthy movements upon the abandoned lines. Vicious politics are ever vigilant, while public virtue is only aroused by a blow in the face. Self-interest is so keen-eyed that its wedge finds the smallest crevice which may be widened. Public interest becomes aware of it only after it has stumbled into the chasm. The constant element in municipal affairs is the unremitting desire of the politician to gather masses of votes, and of the contractors and placemen who furnish them to prey upon the city treasury. The people who do not pay are always ready to create debts against the people who must pay. They who do not pay the piper are ever ready to dance to his music.

There is radical error somewhere in the general municipal system. From time to time the right sense of the community is shocked by announcements of peculation and waste of municipal funds and mismanagement in the affairs of cities. Our leading towns have had experience of the iron grip of a "ring," usually composed of politicians of local fame, who have surrounded themselves with a force of party organizations so strong as to defy the efforts of honest citizens to dislodge them. At times they have been strong enough to hold courts at bay, at

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

times have controlled the local elective judiciary, and have even shut their gates against regular processes of law. In the most remarkable case in our annals this pillage of public funds was only revealed by an independent press, and punished by the slow but firm uprising of an indignant community, which usurped the duties of the regular officers of the law. Yet, while these words are written, the same city discovers another conspiracy of officials, by which $169,000 is pillaged from its treasury.

Nor has this been the only remarkable feature of our municipal history. In compliance with all the forms of law, our municipalities have occasionally been bankrupted by reckless extravagance in incurring liabilities. To communities as well as to individuals come periods of exuberant self-confidence, in which the spirit of speculative extravagance seizes the people, and a fever of borrowing takes possession of the masses. Unjustifiable works are undertaken; pay-day comes, and purse and credit are both exhausted. Then the disgrace of repudiation is added to financial dishonor. These results have appeared even where the law has required a popular vote to ratify a proposed debt. Where bankruptcy and repudiation have both been avoided, our towns have often struggled for years in adversity, groaning under burdens of assessments, which have destroyed their prosperity, checked their growth, and turned to regions less afflicted with taxation a tide of wealth and population which would have enriched them under a safe administration.

The eyes of the Argus of Party watch the National Government. Even incipient evil is there detected, challenged, exposed, and stifled. Criticism is so swift that it often assails the possibility of fraud before it exists. The legal forces of the nation are very active and vigorous, never so much so as now; and they spare neither political friend nor foe. In a less degree the several State governments are vigilantly watched, and fraud and mismanagement have at most a brief and spasmodic development. The sense of financial honor among the States — a few exceptions reserved — has in late years advanced with great strides. Political partisanship no longer dares to defend crime, nor to shield the criminal, nor to accept a sham as the performance of a contract. But the nearer we come to municipal self-government by popular vote, the more apparent become the evils of peculation, fraud, and maladministration. Vigilance is reduced to a minimum. Daily personal association lulls suspicion.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Suspicion goes abroad with open eyes, but sleeps at home. Shabby work is done in the absence of authoritative inspection. The voter grumbles at a State tax of two and one-half mills, as in Iowa, while the wastefulness and extravagance of the officials of his own municipality load him with a local taxation of thirty, forty, and even fifty mills on the dollar. Party responsibility and party watchfulness are not well maintained in cities, or exist with greatly diminished vigor. Hostile party managers are often sagaciously admitted to a share in the profits.

In the smaller towns, the official prizes are not contested except by a grade of men who have small stakes in the towns, or none at all,—often by men who do not own a town lot nor pay a tax. A mayor of that class rewards with the subordinate offices the associates to whom he owes his election. The more the grade of officers is lowered, the more unwilling are responsible citizens to accept the municipal offices. The mischief breeds in and in. The local press is often brought into alliance with municipal party robbers.

But even when such officers keep within the law, there remain their want of real interest in the prosperity of the town, and their ignorance of the methods by which a city secures a solid growth, with economy in its development. Bridges, culverts, and sewers are built for the profit of contractors, and are swept away by the next flood. Speculative pavements are laid for which bonds are issued, and they decay or break up before they are paid for. Wild contracts are entered into, binding the city with irreversible force for twenty or thirty years, for some speculative gas-works, or water-works, or railway liability. The city suddenly fills its lawful margin of indebtedness. Indispensable appropriations then become unlawful, injunctions are issued, financial dishonor follows. Our experience in these respects furnishes so many illustrations that no argument is required to convince men of the need of municipal reform. The municipality is now the most wasteful department of our entire civil organization.

All efforts hitherto made — save one — to protect the public against municipal misrule have been limited to the surface of the organization. They have been directed to one of two objects — either to shift responsibility from one set of officers to another, or to diminish the aggregate of their powers for mischief. The relief afforded by the former must be temporary so long as the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

evil lives in the motive force behind them. The latter remedy is effective only to the extent of diminishing the scope of the mismanagement and the amount of waste. It does not cure the evil nor destroy its living roots. The evil principle lies in this, that elected authority is nearly independent of proper responsibility. The party that creates the liability is not the party that supplies the funds. The party in real interest is not the party really in control. One disburses at will the money which the other is compelled to raise. It is an association of citizen stock-holders, where the owners of a minority of the stock control the majority of ownership and interest. There would be little demand for shares in any insurance or banking company managed on that principle.

If we can clear the ground of the existing system, we may be able to find the solid basis of a safe municipal organization.

The unit of our civil society is the town or township. Originally, every resident therein was identified in interest with nearly every other resident. The small population had little diversity of interest. The great majority had indeed identity of interest. A town meeting settled questions of policy. Individual equality of control rested on community of interest and responsibilities. This condition was outgrown with the growth of population. The Legislature then granted charters prescribing the limit of local government, and authorizing in larger towns a chosen body of men to perform all the civil functions of the locality. All citizens were electors of this body, because there had been no development of such diversity of interest and of motive as to disclose the financial danger in which the minority of numbers might be placed. As the danger was more and more revealed, two separate bodies were provided for and elected by divisions of the same general constituency, the one to be a check on the other, and to secure deliberation before action. But perils still revealed themselves, and a limitation on their authority to create liability and to impose taxes, as well as making certain officers non-elective, was enacted by the sovereign legislature. At this point began the conflict between the irresponsible majority of numbers and the responsible majority of interest, the former clamoring for complete sovereign self-government by numbers, the latter for protection against it. The war is now at that stage of the debate.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Certainly, universal suffrage is our rule of political government. It is justly applied to State and nation in their respective supreme legislative and executive functions, because the universal scope of sovereign law and its administration embraces all classes, even criminal and pauper. But a city is a subordinate creature of the law, without sovereignty, without power to declare a crime or to fix its punishment; without army, navy, or militia; without power over civil rights or liberties. It is a corporation, more resembling an insurance or manufacturing corporation, than a political government. It has only partial power, under general laws imposed upon it, to regulate its own affairs, and for the special security and promotion of its own material interests. It is a simple business organization, in which some citizens have invested much more largely than others, and where some have not invested at all. A mayor of Boston has said that the residents of that town who pay nothing beyond a poll-tax constitute a majority of its voters. In such cases, is it right that the major part of universal suffrage should create the city's liabilities and control its destinies? Should they settle its taxes, make its debts, control its line of improvement, fix the condition of its trade, and fill and empty its treasury? They who pay no taxes on real property, or personal or business interests, are usually a transient population, without either an interest or a disposition to care for the future progress of the town. The only municipal function which concerns them is, perhaps, the school and sanitary regulation; and in these there is no diversity of interest between them and the permanent classes of the population. If it is a question of improving the city and making it attractive, no one is so much interested in this as the permanent tax-paying people whose homes and property are pledged to its prosperity. The divergence of interests begins precisely where useful disbursement ends and extravagance and waste enter in. Those who profit by this are not the persons who pay for it. When one laughs, the other weeps. The latest illustration of this is seen at Elizabeth, N. J. The same experience, unripened, is going on to-day in a score of other towns.

The principle of universal suffrage rests upon the general community of civil rights and liberties, of interest, and of civil liabilities. Each man, as one may say, owns stock in the national and State sovereignty. But civil rights, liberties,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

punishments, are eliminated from the sphere of municipal organization, because they are all regulated by a higher authority, and cannot be diminished or changed by a non-law-making municipal corporation. Suffrage here should therefore be controlled by the latter two conditions—community of interest and of liability. Non-tax-payers, and payers of a poll-tax only, have no civil interest which demands equality of representative force in the municipality; no just interest whatever which is not represented in the same or greater degree by the tax-payers generally; and no interest at all which is affected by liabilities created against the corporation. Represented or not, city expenditure is for them a matter of no concern. The maxim which joins representation to taxation leaves them outside in its application to municipal affairs. We here find a sound principle which would justify a limitation of municipal suffrage to property-owners and to the payers of taxes, who are affected by the liabilities to be created and by the expenditures within the municipal jurisdiction. This points the way to one method of municipal relief.

Mr. Madison, in his letter to John Brown, touching the proposed Constitution for Kentucky, said: "I see no reason why the rights of property, which chiefly bears the burdens of government, and is so much an object of legislation, should not be respected as well as personal rights in the choice of rulers." He was, therefore, disposed to narrow the right of suffrage in the choice of one of the legislative bodies of the State, and to enlarge it in the choice of the other. He was still more explicit in his "Remarks on Mr. Jefferson's Draught of a Constitution for Virginia." Touching electors, he writes: "The first question arising here is how far property ought to be made a qualification. There is a middle way to be taken, which corresponds at once with the theory of free government and the lessons of experience. A freehold, or equivalent of a certain value, may be annexed to the right of voting for senators, and the right left more at large in the election of the other House. . . . This middle mode reconciles and secures the two cardinal objects of government—the rights of persons and the rights of property. . . . It is now observed that in all populous countries the smaller part only can be interested in preserving the rights of property. It must be foreseen that America, and Kentucky itself, will, by degrees, arrive at this state of society; in some

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

parts of the Union a very great advance is already made toward it. . . . Liberty, not less than justice, pleads for the policy here recommended. If all power be suffered to slide into hands not interested in the rights of property, which must be the case whenever a majority fall under that description, one of two things cannot fail to happen: either they will unite against the other description and become the dupes and instruments of ambition, or their poverty and dependence will render them the mercenary instruments of wealth. In either case, liberty will be subverted; in the first, by a despotism growing out of anarchy; in the second, by an oligarchy founded on corruption."

If this sagest of the Virginia sages could find occasion ninety-eight years ago for such a discrimination in suffrage, as applied to State governments, with what boundless reënforcement does it apply to the more dense population, and to the more facile combination of interests, in our cities to-day. "Dupes of ambition," or "mercenary instruments of wealth,"—let several of our cities between the Atlantic and the Mississippi look into this mirror.

In some of the cities of the Old World the local suffrage has been for generations limited by a municipal citizenship, quite independent of citizenship of the State. A man may there be clothed with all the rights of a national citizen, may have great riches, may be fully protected as a resident of the town of which, nevertheless, he is no "citizen." The city alone has the power to confer local citizenship upon him. It is in some cases valued at a certain amount in money, upon the payment of which he is by municipal vote admitted to equality of citizen rights. In some cases, the city has so successfully managed its corporate affairs that its municipal property not only pays all its expenses, but furnishes an annual surplus to be distributed as a dividend among its lawful citizens. To be a citizen there is to hold an equal share in a dividend-paying corporation. Imagine such a spectacle among American cities!

There are other methods of reform less precise and less clear in their effects, and which rest on a compromise of conflicting principles.

Our present system ignores the majority of interest, and vests the control in a mere majority of numbers. The resident who comes in to-day, and will leave after twelve months without investment and without paying a penny of tax, exercises an equal

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

control with the mechanic whose life is spent in the town, whose homestead is compromised by taxation, and whose whole fortune hangs upon municipal prosperity. The statement of this principle is its condemnation. But the local political manager, who finds this floating vote the cheapest and most facile, adheres to the system, and demands the perpetuity of universal suffrage in application to the local affairs of towns, in the manipulation of which he realizes the contents of other people's purses. We must reckon on this practical, though not insurmountable, obstacle to the principle of reform first stated. The ruinous principle to be expelled from the business management of our cities, full of floating voters, is the rule which gives to a mere majority of irresponsible numbers the right of control over the municipality. This majority elects alike mayor, aldermen, and councilmen, and many other officers, in some cities including the judicial officers. They have stricken down the one conservative barrier which our fathers carefully preserved—an independent judiciary. The result has been increasing disrespect for the administration of justice and growing disregard of law. A non-elective judiciary should be a part of every scheme of reform. The most extreme method of reformation within our experience was adopted by Congress for the national capital, when, during the reign of universal suffrage, it was brought to the verge of bankruptcy by the customary process of popular self-government. The entire city organization was abolished, and its powers vested in a board of three commissioners, appointed by the President, and acting under general legislative control. In practice, one of the three is non-political, a professional engineer; and of the remaining two, one is taken from each political party. The result has been a perfectly honest financial administration, restored credit, praiseworthy contracts, careful inspection, and general contentment and safety on the part of citizens. The one fault is in the police, in respect to which the commission is fettered by a foolish law. But it is questionable whether, aside from city place-hunters and contractors, one citizen tax-payer can be found who would return to the old system of self-government by unlimited suffrage. It is now one of the cleanest, healthiest, and best governed cities in the world. Every city government should be non-political, if law can make it so. There is no more justification for bringing politics into its administration than there is for introducing that element into a mutual insurance

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

association. It would soon be eliminated if the control were thrown into the hands of the responsible tax-payers, whose great interests are the security of person and property, the suppression of crime, the promotion of education and virtue, and the development of prosperity. The political departments of the Government require political parties. The municipal administration needs only capacity and integrity, from whatever party these qualities may be gathered.

But no State government would resort to the Washington method, unless in a case of extreme disorder and bankruptcy. Keeping to the elective basis, and to the usual organization, with mayor, aldermen, and common council, who should have the rights of electors? On this question, it is presumed, turns the entire problem of genuine and lasting municipal reform. The unassailable principle is that of taxation and representation of interest in profits and losses; that is to say, a taxation variable with municipal expenditures and liabilities. All such tax-payers, and none others, are share-holders in the corporation, suffering from its liabilities and profiting by its prosperity. On every just principle theirs is the voting power. If you question even their right of equality in elective force, the answer is that there is no difference except in degree of right, and that difference cannot be wholly evaded in dealing with masses of men. Within that principle, however, the plan adopted in Vienna is also possible here. The whole body of electors may be divided into three classes, each electing an equal number of representatives in the board of aldermen and council. The land-owners paying annual taxes exceeding $——— may elect one-third; other proprietors, manufacturers, merchants, paying over $——— in annual taxes, may elect another third; all other tax-payers, to whom may be added the professional classes, householders and others, may elect the other third. The whole body of municipal representatives so elected may meet in convention, and by a majority elect the mayor. Such classification may be made even where universal suffrage is continued. In that case the tax-payers would still have the control, as they ought to have, by their power to elect two-thirds of the governing body. Every interest would be represented, while non-interest could not, as now, control by virtue merely of numbers.

Whatever the limitation or classification of municipal suffrage may be, it is certain that any effective and permanent prin-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ciple of reform must be applied directly to this source of the evils. Here is the breeding-nest of municipal peculation, corruption, waste, and extravagance. Here is the dark cavern of vicious politics, the lying-in asylum of illegitimate politicians, the nursery of corrupt practices. Purify this, the muddiest of our political fountains, and the broadening stream will flow more purely all the way into the most important departments of civil government. It will secure a better local administration of justice, a better inspection of all public work, and a more vigilant police. It will promote temperance, establish economy, uplift public honor, and restore public virtue to its rightful supremacy.

JOHN A. KASSON.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CLASS DISTINCTIONS IN THE UNITED STATES.

To SAY that where there are no classes there can be no class distinctions, and that in the United States, as no classes are recognized, either by law or by established custom, class distinctions are impossible, may be obvious and trite; but in the eyes of many persons, not unintelligent nor yet unthoughtful, it is far from being superfluous. From some of our publicists, notably from some of our most widely influential journalists, protest is frequently heard against the word "class" when it is applied to the various elements of our society. It is denied, in a tone of asperity and resentment, that we have such distinctions as classes of people. Nevertheless, the word, or the phrase, is used with a continuousness which is almost incessant. We read daily of our "wealthy class," our "professional class," our "laboring class," our "cultivated class," and the like, but strangely never, in seriousness, of our governing class; although within the last forty years we have received, as the boon of Democracy and circumstance, in our professional politicians, a body which comes nearer to being an established class, and a governing class, than any other, findable and definable, within our borders. And in a North-western newspaper—of all quarters!—I have met with mention of higher classes, and, verily, of high rank, in such a paragraph as this: "Most of the dailies [newspapers] are prepared for the higher classes; and thus emanating from men of high rank, and going toward the best part of the public, they are probably worthy of more praise than blame."

This is puzzling; and the more is it so because it comes from a writer whose articles are rated above the level of ordinary editorial work, even in what are called leading journals. What does such language mean? Plainly, its most important words have not either their inherent signification, or that which is attached to them by good usage, or even by common usage. To

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

say absolutely, and without qualification, that certain views are set forth, or certain publications made, by men of high rank, means, in English, that the men thus characterized are of a high established social grade; but that it was here intended to claim such a position for journalists is hardly among the possibilities of Western extravagance. There is no room for doubt that what was really meant was that the writers for most of the daily newspapers were men of a high intellectual grade; an opinion which will not lack a large journalistic concurrence. But what are those higher classes for whom these journals are prepared? and what is that best part of the public toward whom the emanations of these high intellects tend? I cite this paragraph, and thus comment upon it, with no fault-finding purpose, and only as an occasion and an ensample. The inquiry as to the meaning of the words used is no mere exercise in verbal criticism; for the confusion and the dissension in regard to this subject arise chiefly (as confusion, misunderstanding, and consequent dissension are apt to arise) from a misapprehension of the true meaning of words, and a use of them by two or more parties in differing and incorrect senses.

The indignant denier of the existence of classes in the United States is very right as to what he means, but very wrong as to what he says. For, until both man and society are something that they are not, and never have been, the one must fall into classes in the other. It is difficult to imagine a society in which there are, rightly speaking, no classes. To find such a society in a stage of development above the rudimentary is impossible. The African negro and the aboriginal American are the highest representatives of a society in which there are no classes. For what is a class in society? Let us go for our definition to an "American," one whose democratic sympathies were of the strongest, one whose authority in definition is of weight. Webster says that a class is "a group of individuals ranked together as possessing common characteristics; as the different classes of society; the educated class, the lower classes." This is his latest definition, which is better, although not greatly, than that in his edition of 1828: "A number of persons in society supposed to have some resemblance or equality in rank, education, property, talents, and the like; as in the phrase, all classes of men in society." The improvement consists chiefly in the elimination of rank and talent as distinctions of class. For, in a democratic

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

society, in which there are no ranks, there may be, or, rather, must be classes; and in aristocratic societies we see, unhappily too often, that talents do not accompany rank. Indeed, what is plainer than that talents, as the gift of nature, are, like her other gifts, distributed indiscriminately as to ranks and classes, unequally as to individuals?

Assuming that no rational person will assert that any form of society can exist without groups of individuals who may be ranked together as possessing common characteristics, and that therefore there must be classes of society, even in the United States, we may yet admit the justice of the often heard protest against their recognition, when we discover what the protesters have in mind. They do not mean classes: they do mean established and privileged classes. There are in the United States no classes of men born, none formed, none recognized in any way, who have the right to do any conceivable thing, to do which all other men have not the right. In England, for example, there is a certain class of men who are born to a position as legislators; and this class forms a part of a much larger class born with the right to go to court; and there are certain occupations, which, of themselves, exclude from court those who follow them; and there, too, men have certain rights of precedence which are not only recognized, but which can be enforced. In the United States, on the contrary, all citizens have equal rights in the executive residence of their governors or their president; there is no rank but that of superior and subordinate in the military or civil service of the people; no precedence except that which is voluntarily awarded to position, to merit, to age, or, by the graceful deference of strength, to sex.

The distinctive quality of society in the United States is equality. It is not liberty; still less is it fraternity. Our social and political structure is peculiar among those of the principal communities of the civilized world, not in that here all men's rights are protected,—far from it,—but in that here all men's rights are equal, and not only equal, but absolutely the same. And this equality, or identity, is what the "average American"—be he Irish or German, or born here of Irish or German parents, or of parents native but indefinable—chiefly values. Deny him fraternity if you will; take from him liberty or even property, by form of law, if you can; but leave him equality, and he is measurably content. He asks not the insur-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing and maintenance of that liberty which is his because he must respect the rights of others; he demands that no one shall have rights or "chances" that he has not. The political boss, with his swarm of unclean followers, may deprive him of all that is vital and valuable in political liberty; corporations and monopolists may rob him, under the forms of purchased law, of his property, of his very house and home, of his comfort, and of all the beauty of his life; and not only will he not resist, he will not protest, if only he is secure in his equal right to deprive, if he can, all other men of their liberty, and to rob, if he can, according to law, all other men of their property; and that, having done so, he also shall be a magnate, merchant-prince, railway lord, caucus king, or what not. But there is no such if; none such possible or conceivable. Absolute equality in all things, and as to all things, right or wrong, good or bad, is the cement of that simple structure, society in the United States.

But the word society is used in two senses—one political or municipal, the other social or company-able. It is as to society in the former sense that the "average American" insists upon and has, in absoluteness, this equality. Socially, he will have none of it. His leveling there is a leveling down, not a leveling up; except in his own person. In that regard he does not believe that "one man's as good as another, and better too," unless he is the one who is the better. Since civilization began, the social world has seen few such changes as those which have taken place in the society of the United States during the last sixty years, and chiefly during the last thirty; and among these changes the chiefest visible is the bent toward elegance of every human creature whom fortune or exertion has raised above the primal cares of life. Not comfort, not even the substantial elements of luxury, are sought with that universal rage which is shown for elegance of outward seeming. In all that lies upon the surface this is visible; in our theaters, for example. Our fathers sat in dingy houses and on hard benches, looking upon scenery never beautiful, rarely correct, often shabby, and upon actors whose dresses were like the scenery; but night after night they might see, in stimulating and instructive alternation, the works of the best dramatists in the language acted with such ability and completeness that they could be enjoyed, if not always in all the parts admired, from the rise to the fall of the curtain. We sit in theaters which are themselves a splendid

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

show, and every box in which is fit for a king, looking upon scenery beautifully painted and carefully studied, and costumes which blaze and bloom upon the stage; but we in vapid plays have vapid acting; and one or two of these poor weaklings will run through a whole season at one theater, and sometimes one through two seasons. The change has been made simply to satisfy and please the public: there is no other motive. If managers saw that plays of dramatic and literary merit—acted by companies of clever, well-trained artists, in houses not dingy, but plain, clean, and comfortable, and with such scenery and costume as sufficed to remove the action from every-day associations—would attract the people upon whom they depend for support, such plays, so acted, in such houses, they would give. No man spends more time, trouble, or money in his business than are necessary to make it successful and profitable. Shakespeare did not, we may be sure.

The audiences assembled by these shallow, vulgar plays, showily presented in these splendid houses, differ from the old audiences just as the new spectacle differs from the old. In former times, the first row of boxes—dress-circle, it was called—was filled, and except on occasions of unusual attraction moderately filled, with elegantly dressed men and women of more or less pretensions to "fashion"; while the pit or parterre (now absurdly called the parquet) and the upper boxes were occupied by a respectably dressed crowd, intent only upon enjoyment of the performance. Now, unless one of these vapid plays fills one of these gaudy houses, "parquet," boxes, balconies, and so forth, every night for months, or at least for weeks, it is regarded as a failure; and all the people who make its success are clad in fine raiment. Moreover, it requires but a little observation to discover in all of them a certain subtle consciousness of manner, which reveals a pretension to be elegant. Whether this elegance is even skin-deep, whether the superior quality of their apparel strikes in at all below the surface, and whether they are able to buy with their wardrobes the refinement of which they are intended as the outward sign, are questions which may here be left unanswered and unconsidered.

What is true of the theaters is true of all places in which the public of our day and country may be observed,—streets, hotels, and churches. Everywhere there is the same approach to equality

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of seeming; and everywhere the objective point is the same—external elegance.

The causes of this are not far to seek; they are simply two—sudden wealth and democracy. The spirit of democracy had not thoroughly penetrated the people of the United States until the first quarter of the present century had passed. Up to that time the social habits and influences of the old colonial days were prevalent, although with slowly diminishing power. Until that time there was still a deference in the mass of the people for a class which, partly by culture, partly by character, and partly by such moderate possessions as were then called wealth, were the acknowledged leaders of society. The administration of Andrew Jackson may be regarded as the period when this feeling of deference disappeared, except in the slave States, where it was preserved by the effect of the "peculiar institution" of those sovereignties. Soon after the year 1830, the people of the Northern or free States became to all intents and purposes homogeneous. And yet from that period they began to be, in one important respect, year by year more heterogeneous; for then began the flood of foreign immigration. The thousands and hundreds of thousands of strange people thus added every year to the population of the Northern States were not only without education of any kind in mind, in morals, and in manners, but without any knowledge of the country into which they were received, with a merely nominal probation, as citizens. They knew no more of its history or of its society than the world at large knew fifty years ago of those of Japan. Moreover, they had been suffering from poverty and oppression, and they came here to find plenty and freedom. "What do you mean?" said a lady, some years ago, to her servants who rebelled against a proposed restriction of waste in the kitchen. "You know that you never saw meat once a week at home?" "Sure, mim," was the reply, "and didn't we coom here to git mate ivery day, an' three times a day if we cud?" These immigrant peasants clutched eagerly at all that they could get; and chiefly they clung to something other than plenty and freedom, which they found, and perhaps had not expected to find—equality. They soon discovered, what was discovered about the same time by the mass of the people in the Northern States, that in a pure democracy there is practically no difference between man and man other than that which is made by the possession of money. That apart, all men are equal.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Character, culture, breeding, learning, talents, may be of importance to the individuals who possess them, and to their immediate friends and acquaintances; but unless they produce money they are "caviare to the general." The mass of "Americans," native-born and foreign-born, arrived at the point where they now stand,—the appreciation of all men, themselves included, solely according to the number of dollars under their control. Needless to say that to this there were and are some exceptions; needless, too, that they were and are so proportionately few as to be in the main of no account whatever.

Then the great West was opened; California was discovered; petroleum; railways were necessary; and, beyond necessity, the great schemes of railway speculation were formed. The country, prosperous before, began to grow rich with a rapidity unprecedented. Upon the thriving possessors of half a continent, who were just "realizing" the capabilities of their situation, came the great civil war, which, after a four years' struggle of blood and blunder, preserved the unity of the Government and destroyed the social and political constitution of the Southern sovereignties. It had one other important consequence: absolute equality and identity of personal rights was established throughout the United States.*

The South had fought to maintain an inequality of personal rights and an aristocratic form of society. The North had fought, not in a crusade for equality and against aristocracy, but for money; for the riches which it had acquired, and that the newly developed means for acquiring riches might not be destroyed; for nothing else. After the first flush of enthusiasm caused by the bombardment of Fort Sumter — "firing on the flag" — had subsided, before which no insult, no defiance, and notably, very notably, no enthusiasm for liberty and equality had been able to awaken enough fighting spirit in the North to lead the administrators of the Federal Government to take any important steps for its preservation,— after this excitement had subsided, and yet the war must needs be prosecuted or the Government be destroyed, the contest became one of money for the

* And yet, before this article goes to press there comes from the United States District Court of Texas a decision which surely cannot surprise any unbiased student of the Constitution, that the Fourteenth Amendment is unconstitutional, because it trenches upon the expressly reserved rights of the States.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sake of money. The war was virtually carried on by the moneyed men, the business men, of the North. They furnished its "sinews"; and this they did for their own purposes and in their own interests. Many of them grew rich by means of the war; most of them saw that in its successful prosecution lay their future prosperity. The war time was a money-making time, and the war was a money-making process. The Federal Government was victorious simply because it had the most men and the most money on its side; and it had the most men because it had the most money. The Confederate cause failed simply because its men and its money were exhausted; for no other reason. Inequality came to an end in the South; equality was established throughout the Union; but the real victors were the money-makers, merchants, bankers, manufacturers, railway men, monopolists, and speculators. It was their cause that had triumphed under the banner of freedom. General Grant has been roughly handled by caricaturists and paragraphists as a beggar. Verily, his reward has been small at the hands of those to whom he rendered his chief service. If the business men of the North had given him an income of one thousand dollars a day, and General Sherman one of five hundred, they would have insufficiently acknowledged what those stubborn soldiers did for them.

After a comparatively brief period of dull reaction, the country started again upon its interrupted course of prosperity with an impetus that was like the force of a continuous explosion, and with results the semblance of which the world till then had never seen. The exhaustless material wealth of the country, and the rapid increase of its population (the influx of immigrants keeping, on one hand, production strained to its utmost, and augmenting, on the other, the productive power); the failure of Europe, and particularly of England, to supply its own demands for food; with other forces which need not be here set forth,—combined to pour a flood of riches into the United States so vast, so diffusive, so splendid, and at the same time so solid, that we became the Dives of nations. History records no such swift, substantial growth in material prosperity as that of the United States during the last fifty years, and chiefly since the civil war. Men who twenty years ago had nothing have now hundreds of thousands of dollars, millions, tens of millions. And the numbers of those thus suddenly enriched are not hundreds, not thousands or tens of thousands, but hundreds of thousands; while around them are thriving millions in a condition of firm

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

comfort. Upon such a spectacle the sun of prosperity never shone before. Of these men, and of the women who belong to them, very few, in proportion, would be regarded in any other country as educated, still fewer as persons of intellectual or social culture. They have money; nothing more. The result of the forces which have been in operation in this country during the last generation has been to give to this vast multitude two things—unprecedented wealth with absolute equality, likewise without precedent.

It is not in human nature that such a course of events, with such consequences, should be without effect upon the social bearing and seeming of the people among whom it has occurred. And in the present case, the effect of such a sudden increase of wealth has been greatly enhanced and much modified by the influence of foreign example. Europe comes in as a factor in our social problem. It is quite within the limits of truth to say that, for ten "Americans" who visited Europe fifty years ago, a thousand have done so within the last ten years. The effect of this intercourse has been in some respects advantageous; in others, rather deplorable and even ridiculous. For, of these purse-filled tourists, the number who were by nature or by education prepared to receive the benefits of European travel was so very small that in the great mass they were of no account. And, unfortunately, what they sought in Europe was not that instruction and that refinement of taste which Europe is qualified to give: they went either "to have a good time" or to rush through picture-galleries and cathedrals and scenery, that they might come back fitted to set up as people of travel and of culture. But whatever they may have failed to acquire of Europe's long-stored social and mental wealth, few of them failed to learn to imitate the least admirable of the manners and customs of Europe—those which lay upon the surface; those which might be gathered from a superficial observation of the most pretentious and most frivolous society, the only society in Europe to which such casual travelers or such transient sojourners would be admitted. The pitiable spectacle of the American colony in Paris during the Second Empire may be passed over here without remark;* but the effect of these and their like upon society in the United States has been deplorably

* It has received incisive comment from the competent pens of Mr. George William Curtis, in his "Potiphar Papers," and Mr. Henry Cabot Lodge, in his recent paper, "Colonialism in America."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

debasing and vulgarizing. The observation of "high life" by such spectators, so transient, so ignorant, so incapable of thought, reveals to them nothing which may not be obtained by an expenditure of money; and, briefly (for I must be brief), this vast increase of wealth, this democratic equality, and these skippings over the surface of European society, working together, have produced as their resultant a social monster called in the newspapers "Society," or "World of Fashion." Now society and fashion (singular, inexplicable word thus used) are no new things here; but not this society, this fashion. Some money is necessary always for the formation and maintenance of a cultivated society; some exclusiveness must be practiced, or your society becomes a general bear-garden. But this society rests upon money only: not upon property, possessions, estates; but upon sheer money, that may be put in a box and carried about, got one day and lost another, like a watch or a toy, and with no more social disturbance; and this exclusiveness excludes only those who have little money, and as to the bears, shuts many of them not out, but in. Let any man who chooses so to spend time and trouble read the highly interesting paragraphs under the "World of Society" and "Circle of Fashion" headings, in three or four of our leading newspapers, and if he has any particular knowledge of society, and a knowledge which extends backward beyond the war, he will see that quite seven-tenths of them relate to people who, at that time, would themselves not have dreamed of themselves as persons of gentility (to use an obsolescent word), not to say of consideration or fashion; people without breeding, without education; whose every word and every tone (surest evidence on such a point) betrays the inferior associations in which they grew up; whose language, whether they speak or write, would be put to shame by that of a well-bred upper servant in England; and whose notions of politeness are confined to the observance of etiquette, which can be taught to a monkey and poured into a man, and yet more easily into a woman, as liquor can be poured out of one vessel into another; who have, indeed, generally a sort of formless, insipid good-nature, but of courtesy, inborn or inbred, no conception whatever.*

* The working classes can secure a great addition to their present enjoyments by cultivating among themselves a more refined society and gentler manners. There has been already a noticeable improvement in this respect among our native workingmen especially; and the manners of many of them

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

They have simply money,—money which they are ready to spend for their own coarse pleasures; money which they are even willing to give away—for their own aggrandizement; money which they are anxious to use in every mode which will enable them to "get on" and make a figure. Besides these, who are hundreds and thousands, there are others not so prominently rich, who are tens and hundreds of thousands, that are of like origin and social history, and who all more or less affect elegance and "aristocracy," and talk of society and fashion. Most, but not absolutely all, of these, like most, but not absolutely all, of the others, are wholly, utterly lacking in any claim to distinction from the crowds that swarm to Barnum's Greatest Show on Earth, except money,—money gotten quickly, and in too many cases not honorably, although not illegally. But because of their money and their gross and selfish expenditure of it, they, or rather (it is but right and fair to say), very many of them, seem to think that they have a position in this country corresponding to that of the leaders of society in Europe; for example, the nobility and gentry of England. They keep their fathers and their mothers hidden away,—in closets upstairs, or in the waste places and remote corners of the land,—and set up for people of fashion upon fine clothes, bric-à-brac, and champagne.

Ignorance is in a great measure the cause of this pretension. The pretenders are so absolutely void of elemental knowledge of the constitution and the history of society as to assume that, because the higher classes of other countries have money and live expensively, therefore money and expensive living make higher classes—an aristocracy. The same ignorance and the same inversion of the order of reason leads them to assume that, because the movements and the entertainments of eminent people in really aristocratic societies are chronicled in the newspapers, if they can have their doings recorded in the newspapers for the mere gratification of an idle public curiosity, they become in like manner eminent. Within the last ten years—

will now compare favorably with those of the business classes; though it must be added that the manners of the business classes themselves admit of no little improvement. But among a certain portion of the working class, very abundant in the city of New York, manners seem to be an unknown art, while society, in any proper sense of the term, would appear to be an impossibility.—"The Century," July, 1883.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it is hardly so long—the outbreak of this folly has been at once a saddening and a ridiculous symptom of our diseased social condition. The doings and the family arrangements, marriages and the like, of grandees in aristocratic countries are published, because all that relates to such people, from the monarch down, is of more or less public importance. Those people are the governing classes of those countries, and they represent, either by inheritance or some sort of succession, the people who have stood in like positions for many generations. They hold the greater part of the land; they are the chief owners of the countries in which they live. If a prince or a duke is ill, or if his son is about to marry, it is a matter of some—more or less—real public interest. But if a man who has made ten millions of dollars in honest trade, or by doubtful speculation, and who has done nothing else, is ill, or has a daughter married, or gives an entertainment, of what public importance is it, or of what conceivable interest, outside of his private circle of acquaintance, except to snobs, quidnuncs, gossips, and curiosity-mongers? That such doings of such people should be dignified by publication as part of the news of the day is a pitiable exhibition of pinchbeck flunkeyism, worthy only of human apes and parrots.

When Americans who have become rich by trade or speculation assume the position, and affect, to the best of their blundering ability, the customs of an aristocratic class, it must be with utter lack both of memory and of common sense. Memories, very short ones, would tell them what they themselves were only a few years ago; common sense would teach them that, what they were, some unlooked-for turn of fortune's wheel might easily make them again, making at the same time others just what they are now. While I am writing, a paragraph comes before me recording the fall, the lamentable fall, of a man who, but a few years ago, was one of the millionaires of a great western community, and as such duly "honored." He was driven to take a place as salesman in a large trading house in another city, and there, by misconduct, which showed that he must have been always without principle, ruined himself in reputation as before he had been ruined in fortune. The transitory, shifting nature of our newly gotten wealth is one of its most striking and characteristic features. It is not like that of a true aristocracy stayed upon the land, or inwrought with the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

structure of the Government. The saleswoman who serves a customer who, descending from her carriage, sweeps up in a costume that cost the poor girl's yearly salary five times over, and makes her demands and gives her orders in a tone which a countess would think vulgarly uncivil, and in language which should exclude her from competitive examination for a school teacher's place, probably looks with envy, and perhaps with admiration, at the "stylish" woman of "fashion." But constituted as American society is, she is, out of all question, by right her equal; and in ninety-nine cases of one hundred she is, according to all reasonable appreciation, truly and actually her equal in every respect, except the possession, the present possession, of money. The two, in ninety-nine cases of the hundred, are alike, the same woof and web, one of no better birth or breeding or education or connection than the other.* A "corner" in lard or the striking of "ile" by the husband of the one has made her just what a "corner" in lard or the striking of "ile" by a future husband may make the other. There is no other appreciable or possibly detectable difference between them; and the poorer is not unfrequently the better mannered and the better educated of the two. Moreover, the action of like causes to those which placed the one in a position to command the services of the other may in a very short time reverse their respective attitudes. It is not thus that even the wealth of a real aristocracy is made or unmade. Not long ago, a lady in New York was astonished to find that a little

* Not long ago, one afternoon, I entered a Broadway car and took my seat opposite a woman brilliant in beauty and elegant in person and in costume, who was, before me, the only passenger. Her appearance was so dainty, and her costume so combined richness with sober good taste, that I was a little at a loss why so very exquisite a dame should honor such an humble conveyance as a street-car with her presence. As we neared Madison Square, two middle-aged ladies entered of very different eye. Nothing possible more respectable, but little imaginable more unlovely. The dust of very rustic recesses clung to their flabby satchels, and their costumes showed a vain, though painful, study of "Harper's Bazar" and use of Demorest's patterns. After a moment or two, they began to regard their fair and splendid predecessor with great interest, and to interchange words and glances which soon attracted her attention. She looked at them a moment, and then stretching out her mousquetaire-gloved hand, exclaimed, in a whining snarl which, coming from such lips, was like hartshorn fuming from a rose: "The land! Deoo tell, ef 'taint yeoo!" Notwithstanding the fine feathers, the bird had been hatched in the same nest and sung the same note.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

shop at which she dealt, and where she was served over the counter by the principals, was kept by the own cousins, bearing the name, of a moneyed grandee of great social eminence, whose wife could not rattle her tea-cups and saucers without an echo under "Circles of Fashion." It is not thus that a real aristocracy, even of *bourgeoisie*, is constituted.

Verily, bats and moles and owls might see that exclusive pretensions and attempts at class distinction in a society based upon wealth acquired by trade or speculation within the memory of living men are too essentially foolish to be worth a moment's respectful consideration. Such pretensions in the United States of to-day are so monstrous, so incongruous, so preposterously absurd, that, if they are continued, some modern Rabelais or Cervantes, looking down upon them from the throne of common sense, and compelled by temptation and material, will dip his pen in ridicule and shake the world with laughter.

Because, however, political or municipal equality is the absolute and unalterable law of the United States of America, now and forever, and because our new "merchant princes" are ridiculous, not as merchants, but as princes,* to conclude that we are without a social aristocracy, not unrecognized and not unprized, would show an ignorance worthy of the average European critic of our society. What it is has been hinted in the earlier pages of this article. The several circles which form it in the several centers of society are at once the most reserved and the least pretentious that we have;† but access to them is sought and

* This phrase "merchant prince" is used with a perversion of its right meaning, which is preposterous, in the true sense of that word. It is applied to almost every man who becomes very rich in trade; quite inappropriately and ignorantly. Its origin is the passage in *Isaiah* in which it is said of Tyre, that her "merchants are princes," meaning not that a Tyrian became a prince when he had made a great deal of money by buying and selling, but that in Tyre (the most powerful of the commercial communities of antiquity) even princes engaged in commerce. Clear enough this, merely from the complete passage, which is rarely or never heard: "Whose merchants are princes, whose traffickers are the honorable of the earth."

† Once on a time when, in a town not five hundred miles from Boston, a great entertainment was to be given which set "society" and "circles of fashion" agog, a man, whose forefathers were gentlemen and scholars before the United States existed, entered a costumer's shop, and was about to speak, when the female boss broke out: "I can't take another order, sir; not one; I'm so put about with this A. ball that I'm almost crazy." "Oh, never mind," was the reply: "I'm only a common man, and I don't know the A.'s; but I'd like a yard of gold lace if you'd be kind enough to sell it." About the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

valued by those who are well enough informed in social matters to be aware of their existence. They are confined, of course, to our older commonwealths; for such well-rooted growths do not spring up, even in a republic, in one generation, nor yet in two; and these people were of well-known character and culture and social consideration when even the western part of New York was a savage-haunted wilderness. Some of them have been for a time longer than the age of the United States moderately wealthy, and all of them have been able to command that leisure without which education and social culture are impossible. But wealthy or not, they had such character and such breeding that they were highly considered by their neighbors, who recognized their social superiority, looked up to them as leaders, and sent them as their representatives to the colonial legislatures; and they were judges, ministers, and clergymen (of the Church of England). Of these people some are now rich, but others are poor (that is, among rich people); but the higher classes, and also the lower, of aristocratic societies detect their quality at once, and are often puzzled by the incongruity of manners and position. "Strange!" said one of these; "you have senators and governors, or men who are both, living like dukes and with as much influence, and who yet are pompous, low-bred, and uneducated; and men of the best birth and breeding among you are auctioneers, or journalists, or physicians, or even stock-brokers." As I am writing, a paragraph comes before me recording the death of a representative of this class in a small town in Connecticut. It may be fitly reproduced here:

"Mrs. Nancy (Coit) Learned, widow of the late Edward Learned, who died on Wednesday at her family house in New London, Conn., was one of the oldest and most honored inhabitants of that city. She outlived her hus-

same time a lady, in whose family on both sides were colonial governors and holders of manors, but who is notably quiet in dress and reserved in manner, was in a hotel "elevator" in the Fifth Avenue, where the bearing of a very richly dressed female passenger was so assuming and aggressive that finally, as she brushed out with a great flourish of rudeness, the other asked in wonder, "Pray, who is that lady?" "Mrs. Z.," was the reply. Now, the whole kin of the Z.'s, in the only previous generation in which the existence of Z.'s was known, had been cartmen and marketmen, in which capacity this gorgeous and explosive female's father had not improbably served the father of her before whom she had blown herself up so largely; but now they live, the reporters say, in a "palatial mansion," with the Z. arms carved upon their mantel-piece! and they flout people (when they don't suspect who they are) who seem to have little money and who have gentle manners.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

band many years, and was last, though not least, in her generation of a wide connection long known for distinguished service to society. Born of a line of true gentlefolk, and united in marriage with a similar line near akin to her in blood, her own most rich gifts of bodily and mental brightness, of womanly sense and virtue, made her a fine example of the earlier New England school of principle and manners. She died amid her descendants to the third generation, in the same house where her married life and her widowhood were passed." *

It is not necessary to have known this lady personally (and I had not that honor) to be fully aware of the place which she and her kindred rightfully held in society; and held not by force of money; for although of that (perhaps the occasion may excuse my presumption) there was surely enough for comfort, and even for elegance, and also for benevolence (rarely appealed to in New England), it may be safely assumed that many a curb-stone broker, whose father would not have entered their house except by the back door, has in six months made more than their entire possessions in past days, by going short or going long, or some other sort of uneven going. This class realized, as nearly as possible, the ideal of a social aristocracy; for their rule, co-existing with municipal equality, was the social superiority and government of the best. Now, when the best are cast down from their social thrones, their places must be taken by those who are little better than gilded rudesbys and successful sharpers. And, indeed, these social *aristoi* seem to be dwindling in power and importance; beaten down and made comparatively little by the brute power of money in a heterogeneous, half-foreign community, which knows them not, as the Pharaoh arose that knew not Joseph. If the two mingle, the best will surely be debased. That law is absolute. And thus, in any case, it would seem that we are to show that in a perfectly democratic society, where the municipal rights of all are equal and identical, no aristocracy is possible, even in a social sense; but that its seemly and gracious presence must be replaced by a bloated plutocracy, that basest and coarsest and most degrading of social forces.

RICHARD GRANT WHITE.

* New York "Evening Post," June 7, 1883: manifestly, I think, an adaptation from a Connecticut newspaper.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SHOOTING AT SIGHT.

In every age of the Christian era, the religion of the Prince of Peace has been perverted by fanaticism or superstition into a conflict of arms between nations and forcible settlement of personal disputes between men. Crusades in the name of him who died on the cross to save the soul, which is the life of man, have been preached and prosecuted to the destruction of both body and soul. Catholicism and Protestantism have engaged in the strife, with alternate victory, and rivaled each other with the sword and fire of persecuting zeal.

To settle the title to a portion of that earth out of which the progenitor of the race was made, wager of battle was the only legal mode of trial in England from the advent of William the Conqueror to the reign of Henry II., if not during all the antecedent Saxon rule; and it had been in vogue in Germany from the beginning of the sixth century. It is as amusing as it is astounding to survey that trial, so solemn and yet so farcical it seems to us now. A piece of ground inclosed by lists was laid out as the scene of the combat; the justices of the Court of Common Pleas, full-robed and ermined, surrounded by the learned sergeants-at-law, sat in state, on an elevated bench, to survey the conflict; issue of right was solemnly joined between the contestants by an appeal on oath to God, each abjuring all enchantment and sorcery whereby the devil might be exalted and the Almighty debased.

During the same period, if one were suspected and accused of a certain class of felony, including the homicide of a relative of the accuser, an appeal lay to the same arbitrament of arms; and the *vadiatio duelli*, or wager of battle, duel, or single combat, was a personal legal right of every subject of the realm. The ground was staked off and inclosed with like particularity; judges sat in the same solemn array to preside over the appeal

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to arms; the combatants, who must fight *in propria persona*, and not by proxy, were sworn with hands clasped, the accuser that the accused was guilty of the murder or other felony, and the accused that he was not; and thus the issue was joined by body against body, life against life, and the presence of the God of Peace was invoked to decide the judgment and sentence to be written in the one's favor in the heart's blood of the other.

So in the courts-martial, converted into courts of chivalry, points of martial etiquette or military dispute were settled by single combat, under the supervision of the Lord High Constable of England — certainly with much more propriety, it would seem, in cases of military differences than in civil actions for felony or to try title to land. The ordeal was abolished in France in the fourteenth century, not through the operation of reason and a comprehension of its absurdity, but because in a noted case its fallibility was demonstrated. In 1386, one Legris was accused of violence toward a lady. He maintained his innocence, underwent the ordeal, was vanquished, and thereupon was adjudged guilty and executed. After his death, another man confessed that he had committed the crime for which poor Legris was hanged. This occurrence created an impression which no argument on the preposterousness of the appeal could ever have produced and led to its abolition.

Yet the only mode of trying title — not the mere possession or right of possession to land, but the real right of property therein — in our mother country, until the reign of the second Henry in the latter part of the twelfth century, was by wager of battle or single combat. At that time the parliament, under the advice of Chief-Justice Glanvill, gave the parties the option of trying title to realty by the grand assize or jury trial; but the old right of trial by battle remained a legal mode until the latter part of the reign of George III., in 1818, when that remedy was abolished, together with those of appeals in felonies and in the courts of chivalry. Thus, till the present century, a legal method of settling rights of property in land was personal combat, usually fought by representatives of the litigants, until one or the other was slain or pronounced the word "craven," in which latter event he was thenceforth branded with infamy more intolerable than death.

Men will still fight for land and for revenge. As communities and individuals, they have always so fought. The American

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

continent is dominated to-day by races which conquered it. The red man occupies but a fraction of the immense hunting-grounds of his ancestors, and our greed for land will not long leave him even that. To re-adjust the boundaries between states and mark the lines of rival dominion, Europe has fought for centuries, and will probably continue to fight until the millennium. The martial roll of England's drum and the defiant scream of her fife, the roar of artillery and the rattle of musketry, the ships of war in which her "march is o'er the mountain wave" and her mariners make their "home upon the deep,"—these have established her title to that broad belt of empire which encircles the globe. The whole zone of her territory is as red as the uniform of her soldiers. Deep in its inmost recesses the heart of France feels the mortification of recent defeat and is aching for vengeance upon Germany. Stronger than love of republican or monarchical or imperial government is that agonizing heart-beat; and it needs but another Corsican's genius, ambition, and energy to give vent to its fury in a mingled wail and war-cry for revenge.

In the court-room to-day men will employ counsel more readily, and pour out fees more freely, for land and for revenge than for aught else of human property or passion. To settle the line between adjacent proprietors, though the dispute may involve the merest trifle of territory, the fight begins in the lowest and ends only in the highest court having jurisdiction. The same spirit that once wielded the sword and buckler now puts metal in the brain and sharpens the tongue of the advocate to settle the same rights and redress the same wrongs. It is but a change of forum and weapons; the passion that impels the contest, whether for greed or for revenge, is the same. He who wins passes still through the ordeal of nerve and perseverance.

Trial by battle, once so prevalent in Europe, was but another form of trial by ordeal, or appeal to the *judicium Dei*, which was in vogue among the Saxons, and continued after the conquest until the reign of Henry III. If the accused could take in the naked hand a bar of red-hot iron, or walk barefoot over red-hot plowshares, or thrust the bare arm into boiling water, and escape unhurt, his innocence was pronounced clear, because only God could work the miracle of his escape; and so it was argued, however illogically, that if two men try the other ordeal, of a contest with deadly weapons, the same Providence would shield

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the innocent and overthrow the guilty. The assumption in all cases was that God would intervene for the right.

From the ordeal by battle or single combat, to try land titles, or felonies, or military disputes, by an easy leap sprang the ordeal by the "code" to settle affairs of honor. If the law of the land authorized the settlement of a disputed title, or a theft of goods, or a point of military etiquette, by duel, why should not an insult, a slander, a libel, a defamation of character, an offense to honor, a larceny of reputation, be settled in the same way?

By this course of reasoning, on the continent of Europe and in the island home of our ancestry, writers, generals, and statesmen gave to the duel the approval of their judgment and the sanction of their example. In the mother country, among the number who countenanced dueling, who challenged or fought on points of honor, may be found such great names as the Dukes of Marlborough and Wellington, of York and Richmond, Fox, Pitt, Castlereagh, Canning, Sheridan, Grattan, Curran, O'Connell, Peel, Disraeli, and Jeffrey.

In France, though she early abolished the ordeal by battle as a judicial proceeding, dueling has been carried to greater extremes than in any other country. During the reign of Louis XIII. two gentlemen held each other by the left hand and with the right stabbed with daggers. Two others shut themselves into a room and cut each other's throat. Richelieu tried hard to suppress the practice, and the Count de Bouteville was beheaded for it in 1627. Even women have fought duels in France; and, in Denmark, women were not permitted to have champions, but did their own dueling, though with certain allowances and advantages. Napoleon, who never shrank from slaughtering men by platoons, had a profound contempt for single combat, and did all he could to suppress the practice. Gustavus Adolphus, when two of his officers wanted to fight a duel, blandly gave them leave, but informed them that he would prepare a gallows for the survivor. Cromwell was equally opposed to it. For the first duel ever fought on this continent, which took place at Plymouth in 1621, the combatants were punished by being tied together neck and heels for several hours. When General Greene refused a challenge, Washington commended him.

But the foolish practice was not to be killed by the edict of any emperor, cardinal, or selectmen; it yields only to the slow process of time and the growth of public opinion. Ancestral

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

blood still flows in the veins of descendants; and in our country, almost to the present period, men of great renown sustained the duel by precept and example.

But great men have at last ceased to fight duels. Such men as General Charles Lee and Colonel Laurens, Generals Cadwallader and Conway, General McIntosh, and Button Gwinnett, of revolutionary fame, have retired from the lists. No Alexander Hamilton or De Witt Clinton or William H. Crawford now sacrifices or risks a life that belongs to the country on the altar of a strange god—strange to the very breath of true Christianity and to the civilization which that breath is everywhere warming into peaceful and beautiful life. No illustrious naval officer like Decatur is likely again to fall before the fire of a dueling pistol in the hands of a brother officer or a stranger to the service. No man like President Jackson will again live to regret, when crowned with all the honors of a great country, that he had once encouraged a practice which duty to that country and justice to its service required him to repudiate and forbid. Never more shall patriotic statesmen and orators like Clay, Randolph, and Benton make the walls of the capitol ring with eloquence, and yet risk the brain that conceived and the tongue that uttered such power on the chance of a shot. It should be remembered, in behalf of our dueling fathers, that the absence of those stringent laws which now, in most of the States of the American Union, make dueling felonious and disqualify for office all directly or indirectly engaged therein, gave them tacit license to follow that example of many illustrious men of Europe, which itself, as we have seen, followed the example set by law of adjudicating in a similar mode the title to land, the guilt of committing certain classes of crime, and the violation of the etiquette and discipline essential to the efficiency of military service. Had public sentiment, molded into law, been then as now, it is reasonable to suppose that they would not have deliberately violated the laws of that country which they loved so much and served so faithfully.

It may, too, be justly said that the field was open and the fight in a certain sense was fair. No mean advantage was taken of an antagonist, no concealed pistol was suddenly drawn and leveled with fatal effect at an unarmed man. Of such conduct, Mr. Benton well said: "Certainly, dueling is bad, and has been put down, but not quite so bad as its substitute—

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

revolvers, bowie-knives, blackguarding, and street assassinations, under the pretext of self-defense." Let us rejoice with him that dueling has been put down; but let us see to it that what he termed its substitute be buried in a deeper grave. The grog-shop and the concealed pistol are the roots of all this evil.

It is generally believed, not only that the settlement of personal difficulties with deadly weapons is more prevalent in the Southern than in the Northern States, but that public sentiment approves the practice on Southern soil. It may be conceded that the settlement of difficulties by the duel has been more common amongst us than with our Northern brethren, and that at the close of the late civil war affrays, riot, and bloodshed were of very frequent occurrence; but if all the facts are candidly examined, fair-minded men will be led to the conclusion that it is highly creditable to the old Southern civilization, and much to be commended in those who live amongst the graves of their fathers, that the disparity is not infinitely greater than it is.

In respect to the reasons which made the duel more resorted to in the South than in the North, it may be observed that the temper and tone of the two sections of our great country were infused into each by the blood which the fathers who settled them respectively brought across the water. New England derived hers in largest measure from Puritan settlers. Sturdy, courageous, energetic they were, as those who followed Cromwell to victory and the Protectorate; yet through all their character flowed veins of deep piety, which at times ran wild into superstitious fanaticism. But that force moved them as a community rather than as individuals. New England organizes before she moves. When she moves, the individual is swallowed up in the mass. Corporate power, aggregate combinations,—these have been the pillars of her strength, as they have been the habit of New England's life, and much of that life she imparted to the broad territories above the Ohio to the Pacific coast.

On the other hand, the dominant population of the South had more cavalier than Puritan blood in its veins. There was in its character more individuality and less capacity for combination; more dash and less deliberation in its action. It, too, had its faith in God and its reliance on him for the right, but its zeal was not always according to knowledge. Its individuality made it ready to fight on the instant; reliance on self grew out of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that individuality; it was not disposed to wait for company or for law; a word and a blow were instantaneous; and if the blow fell from muscle too strong, the heart was unconquered and panted for equal arms. Its faith, however erroneous, gave it reliance on protection and assistance from God in what it deemed a righteous cause. Hence the more frequent single combat, the prepared ground, the equal arms — the duel.

Reliance upon God for intervention on the dueling-ground was as much the fruit of faith, uncontrolled by reason, in the South, as the passage of blue laws and burning of witches was in New England. With the Southern fathers this faith often went to the extent of deeming it dishonorable and presumptuous to practice or prepare for the wager of battle. Knowing that an ancestor, whose honored name he bears, had figured largely in the politics of Georgia and of the Union, from the close of the Revolutionary War to the year 1806, when he died in the Senate of the United States, and had fought duels more than once during that period, the writer has recently read again the biography of that ancestor, and now transcribes the following paragraph:

"In March, 1780, he was unhappily the antagonist of Lieutenant-Governor Wells, in a duel which terminated fatally to the latter gentleman. He was himself shot through both knees. Confined by his wounds for months, refusing amputation, and abandoned by his surgeons, he was prevented from taking part in the military operations of the spring of 1780. Justice to him requires the declaration that, although he was forced into this difficulty by a gross personal indignity, which his honor as an officer and the spirit of the period compelled him to resent, and although he had done nothing wherewith to reproach himself, yet he afterward deeply lamented the dreadful catastrophe. He was no duelist from principle; he abhorred the practice. It was his lot on several occasions in subsequent life to be similarly involved; but he went always to the place of combat without preparation, with no vindictive passion, confiding in the rectitude of his cause, and convinced that duty to his country demanded the exposure of his person."

In like manner, many a duelist abhorred what he felt constrained to do, and deeply lamented a result fatal to his adversary. Another instance is within the knowledge of the writer: A felon, under the guise of friendship, obtained access to the fireside of a Georgian, and, during the absence of his host from home, dishonored his bed. A challenge and duel resulted in the death of the seducer; but he who was thus wronged, and thus avenged himself, went to his grave a miserable man. Often, instead of sleep at night, he walked his chamber in the anguish

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of a conscience that would allow him no rest during the whole night.

In respect to the reasons which, at the close of the war, rendered the South more frequently a field for riotous conduct and bloody rencontre than the North, let the plain facts be submitted to a candid public judgment. Southern soil was the four years' battle-field of that war. It was practically a foreign war to the North. Rarely was a hostile foot on Northern ground. With the exception of Gettysburg, no battle-field bears a Northern name. President Lincoln, whose heart was big enough to forgive and forget, and whose hand would have restrained vengeance, was slain by an assassin, who cried, "The South is avenged!" Alas! poor South! how often has the folly or fanaticism of some erring child soiled the garment and stained the honor of the innocent and spotless mother!

After the war, there was a reign of bedlam in the South, and it seems almost miraculous that it did not become a reign of universal bloodshed. Of course, every man who could procure a pistol carried it, and, lest it should be taken from him by force, he carried it concealed. Despite the penalty of law, and its enforcement in the courts, too much of this habit lingers yet. With no such palliating circumstances, the same habit exists largely at the North. In fact, the whole country is badly afflicted with the awful plague.

It is unjust to judge an entire community by one man, or a great section by one little community therein, or by a portion of its inhabitants. The mass of the Southern population are as honest and earnest for a peaceful Christian civilization as the mass of the North. The echo of the public sentiment of a free people reverberates from the laws they make and the men they put into office to expound and enforce them.

The State of Georgia, at least, may invite comparison of her laws on the subject of dueling and carrying concealed weapons with those of any other. Any person who participates as principal or second in a duel in this State is disqualified for holding office; if death ensue, it is murder chargeable on all who participate; if any one sends or accepts a challenge, it is a misdemeanor punished by fine, imprisonment, or hard labor in the penitentiary; if any one consents to be a second while in this State, no matter where the duel is to be fought, the crime and penalty are the same; if a duel be fought and it does not

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

result fatally, the principals and seconds are all guilty of a high misdemeanor, and are punishable by imprisonment and hard labor in the penitentiary; if any one publishes another as a coward, or uses other opprobrious epithet toward him, for declining to fight a duel, he shall be held guilty of a misdemeanor, and punished by fine or imprisonment or the chain-gang, or all of these combined; if the printer of such publication fails to give the name of the author, he stands in his shoes and is punished in the same way; and if any peace officer neglects to put a stop to any contemplated duel of which he knows or has notice, he is dismissed from office.

So the act of carrying, openly or concealed, any deadly weapon to church, religious meeting, court-ground, election precinct, or any other public gathering, is a misdemeanor, and punishable with fine and imprisonment; and carrying such weapon concealed anywhere, in-doors or out-of-doors, on street, highway, or private path, is a misdemeanor and is punishable in the same manner. Grand juries are sworn to present all such offenders, and the Circuit judges are required to give these laws in special charge to grand juries at every term of the court. The judiciary of Georgia strive to enforce these laws, and day by day the evil lessens and crime diminishes.

The writer ventures to subjoin the concluding paragraph of the opinion of the Supreme Court of Georgia delivered by himself in the case of the State *vs.* Hill, reported in Sixty-fourth Georgia Reports, page 453. In 1879, Hill had premeditatedly killed a man who was guilty of adultery with his wife. A jury had pronounced him guilty of murder, and recommended that he be imprisoned for life, and he had appealed for a new trial.

"We add but a single remark: If men will take the law into their own hands, become themselves the judges of their own cases, and their own sheriff to execute the sentence they themselves pronounce, they must be certain that they adjudge the case according to law, and execute the sentence which that law pronounces, or they must suffer the consequences of their mistake of the law. Homicide for revenge of past offenses, however heinous, deliberately planned and premeditated, and carried into execution after reason has had time to assert her supremacy over passion, is murder; and he who judges that in his own case it is not, and executes sentence in such a case on a fellow-being, must suffer the penalty which the law imposes upon the murderer."

The people of the North, and of the world, may rest assured that life and limb and property are held as sacred at the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

South as elsewhere, and her arms are spread wide to welcome capital and labor. She is conscious that she needs brain, muscle, and money to develop her rich resources and open her abundant mines of wealth. The day is past when her public men who declined a challenge lost their power and popularity. Prior to the war, Alexander H. Stephens challenged, at different times, Herschel V. Johnson and Benjamin H. Hill. Each declined the combat; yet neither ever lost a vote by it, but both descended peacefully to their graves, garlanded with flowers fragrant with Georgia's love and wet with her tears.

The day of the grog-shop and of that which it produces—the inflamed passion and the deadly weapon—is rapidly passing away. The local-option retail law generally pervades the State of Georgia; county after county prohibits the traffic, reduces expenses, and diminishes crime. The prosecuting officers of the State are paid according to the number of criminals tried; and they inform the writer that in those counties where this traffic is prohibited the office of Solicitor-General is worthless. Soon, let us hope, the generous Southern sun will shine upon an entire population, sober, prosperous, peaceful, and happy. May that population be swollen into a vast multitude by a tide of emigration which shall enrich every valley and cover every hill-top with good, sober, industrious men.

JAMES JACKSON.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FACTS ABOUT THE CAUCUS AND THE PRIMARY.

WHEN Messrs. William Orton and Jackson S. Schultz reported, in 1871, their plan for the reorganization of the Republican party of the city of New York, the former admitted that it would not hold for more than ten years. "For," said he, "everything degenerates in New York, and nothing degenerates so fast as a political organization." Time has proved the truth of his words. The system which worked fairly well at first has, as a settled institution, become rotten to the core. By 1876 Mr. Schultz declared that he would no longer waste his time in attending the primaries, for the "workers" always "fixed things" before he got there, and if he tried to "fix things" they would promptly adjourn so as to beat him at the game. Three years later, Mr. George Bliss, than whom no better authority on the subject can be named, and who for years warmly supported the organization, suddenly awoke to the fact that the degeneracy predicted by Mr. Orton had set in and was making rapid progress. From year to year the abuses have grown worse. Controlling the vast federal patronage in the city, and having their representatives on the Board of Aldermen and in the State Legislature, these little evening clubs, to which admittance is denied unless the candidate will bind himself hand and foot by a disgraceful and humiliating pledge, and from which the slightest sign of independence will cause expulsion by a majority vote, have for thirteen years held absolute direction of the party policy, allowing the other fifty or sixty thousand Republicans, to whom they refused any share in the party management, the barren right of registering their decrees. To go through the empty form of depositing at the polls a ticket in the preparation of which they have not been allowed the most insignificant part, is all that is left of the "divine right of suffrage" to the great mass of Republicans

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the city of New York. In spite of an adverse majority of nearly two hundred thousand in the State, in spite of the well-nigh universal demand of the respectable newspapers and voters of the party, backed by the emphatic declaration of the last party platform, in spite of assured defeat to the party in elections to come, the old policy of exclusion, "discipline," and expulsion is still in force, the old iron-clad pledges are still exacted, the old "leaders" still retained; while the chairmanship of the Central Committee is refused to David Dows and Theo. W. Dwight, to be conferred upon Mr. John J. O'Brien, whose chief qualification seems to have been the fact that his obstinate candidacy for the office of Sheriff, in the face of protests from his own colleagues, divided the party vote and gave to the Democrats the municipal election of 1882.

But, it may be said, while no candid man denies that the primary system of the city of New York is full of the grossest abuses, yet, elsewhere in the State, the voice of the caucus may still be relied upon for a fair expression of party opinion. Let us go to the facts again.

In the fall of 1881 was held the primary election for the second ward of Newburgh, N. Y., under the management of the ward committee, whose chairman, in the face, it is claimed, of a majority of "noes," appointed as chairman and secretary of the caucus two of the candidates on the "ward committee ticket." These two were put into a little low-roofed, ten by fifteen shanty, the door was locked, an unopened ballot-box was handed in through a little window, and after refusing the opposition, or "People's Ticket," a representative, the chairman of the caucus announced that he was ready to receive the votes, which were passed in through the window, and the balloting began. The night was dark and the street filled by a crowd collected from all parts of the city. When the polls were closed, the supporters of the People's ticket again demanded an inspector at the counting, and were again refused. The chairman, with his back to the window, ten feet away, began with his colleague to count the votes, and announced that of the three hundred and seventy-five cast, his own ticket had received two hundred and six against one hundred and sixty-nine. A protest against the farce was filed, and on appeal to the convention the affidavits of two hundred and one persons were exhibited,—thirty-two more than declared by the chairman, and thirteen more than a majority,—

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

who swore to having voted the People's Ticket, a copy of which was attached to the declaration of each affiant. The chairman of the caucus, on the other hand, simply swore that the result as given was correct, but admitted on cross-examination that he did not count all the tickets, presuming his colleague's statement to be correct! He further admitted that he had destroyed the poll lists and tickets, "as usual," a few minutes after the result was announced. Yet, in the teeth of this evidence, the committee on contested seats, upon the selection of which the holders of the disputed places were, with gross unfairness, allowed to vote, decided against the contestants.

From other parts of the Empire State the same story comes in. "Our Republican ring," writes a gentleman from Buffalo, "tries to keep away respectable voters from the caucuses by appointing inconvenient times and places, giving short notice, and sometimes getting up rows, or so 'fixing' the organization beforehand . . . that respectable people will not go to them. By 'fixing' the new ward committees at the caucuses they can repeat this operation next year . . . so that even in the ninth, tenth, and eleventh wards, where respectability is actually in the majority, the respectable vote cannot now be got out for a caucus. When they cannot get a majority vote by these means, they bring in repeaters from other wards, and have resorted to frauds in counting the votes."

The full history of the "snap" primaries of 1880 in Albany County, that shameful attempt to throttle the majority, which our present system of primary elections makes only too easy for a determined and unscrupulous minority, should be known to every Republican who wishes to guard against a repetition of the abuse, and who still clings to a lingering hope that the wished-for reform may be brought about within the party before another "tidal wave" carries the independent vote, which he now sees can decide any election in the State of New York, over to his opponents for good and all.

Before the election for district delegates, preceding the national campaign of 1880, a petition, representing over fifteen hundred Republicans of Albany County, was presented to the general committee, requesting the appointment of certain gentlemen to secure a fair count at the polls. The response to this appeal was prompt and decisive. Refusing even to hear the communication read through, a minority of the committee, who,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

however, took pains to attend and make a majority of the meeting, laid it on the table, and at once ordered a call for the holding of the primaries on the following day (Friday), to elect delegates for conventions to be held on the ensuing Saturday and Monday. The "slated" delegates, ten in number, were straightway elected in accordance with the preconcerted scheme, and subsequent disclosures showed that a deliberate conspiracy extended throughout the entire county. In Bethlehem, the notice was posted in the evening for an election to be held on the following day. As it takes time to get the farmers together, a week's notice had been customary. In New Scotland, the call was posted on Thursday for a meeting on Saturday to elect delegates to Monday's convention. Afterward, as it appeared, the two days' time seemed a dangerous concession, and so the machine leaders sent about one O'Brien to pull down the notices and post others for an election on Friday instead; and the same trick was played at Berne, Coeymans, and Guilderland. In Rensselaerville, the notice was published on Thursday for Friday's election. In Knox, five henchmen awaited the coming of the mail, on receipt of which, with instructions, they immediately posted notices, under which they at once resolved themselves into a caucus, electing three out of the five delegates to Albany! At Westerloo, no meeting was held nor any notices given; yet at the convention two delegates claiming to represent that place were promptly on hand. At Albany itself, in every ward, one or both of the inspectors of election appointed by the general committee, and over whom any other supervision was peremptorily refused, were office-holders directly controlled by the machine boss.

Such are a few examples of the operation of the present system of primary elections in the State of New York. If it were necessary to multiply instances, the writer could give similar facts, reported and vouched for, from other cities and towns. Those which are here detailed have been taken from the history of the Republican party, for the reason that within that organization the system has reached its highest development. But the words "Republican" and "Democrat" have no more significance for the "practical" politicians who trade and dicker in offices and votes than they had in the days of Mr. Tweed, who found that the easiest and cheapest way, by far, was to buy up the Republican caucus, "run" the Republican primaries, and then allow the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

innocent voters to go through the form of a spirited contest at the polls.*

But let us see how the system works under a different party name. In Democratic caucuses in the city of Baltimore, Md., it is stated, on the authority of a former United States Senator, the abuses have become intolerable. Frequently, with but a score of men to vote, thirty or forty ballots have been found in the hat. "The roughs of both parties," writes a Maryland legislator, "unite to carry for each other primaries in their class interests, to drive away the respectable element, and when not numerically strong enough, to stuff the ballot-box with 'pudding tickets,'—one ticket sometimes inclosing some twenty slips,—which the rascally election judges deliberately open and count for their nominee. . . . Each party in Baltimore is instructed by their city convention to receive votes from a certified court copy of the last revision of registration. Sometimes they obey; but, as we have over thirty thousand grave-yard and imaginary names on the registration lists, these are used by primary election manipulators for hired repeaters. This being the case, gentlemen will no longer attend primaries or support the class of men they force on each party."

In the primary elections of 1879, a city councilman and member of the "Three-Tenths Social Club," together with a city magistrate, brought wagon loads of hired repeaters from the Eighteenth Ward, "voted" them for the ring candidate in the Twentieth Ward, and then drove them over to the Eleventh Ward, where they again voted their roughs for another ring candidate. The reward to one of the principals for this sort of work, it is claimed, was a $1600 clerkship in the City Appeal Court. In May, 1881, the power of the Democratic machine in Baltimore was so strong that it controlled the appointment of all the judges and clerks of the primaries in each of the twenty wards for the ensuing year. In the Twentieth Ward, the only one where a stand was made against the ring, the machine candidate was "given" two of the three judges—a saloon-keeper, and the boss of a gang of street-cleaners. The "leaders" collected some three hundred or four hundred repeaters in a saloon in an adjoining ward, where "refreshments" and a registration

* Tweed disclosed his shrewd methods with much cynical frankness shortly before his death. See testimony taken before a committee of New York Aldermen in 1877.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

book of the Twentieth Ward were provided, the men were "fixed" (*i.e.*, furnished with names to vote under), and sent in lots to the Twentieth Ward to vote for the ring's choice. These facts were brought out on sworn testimony at the convention on the following day. "Two years ago," writes a gentleman from whose letter these statements are taken, "I found eight hundred names to strike off our registration lists, and this autumn, one thousand six hundred and seventeen; and this is a clean ward. I could fill pages with instances like those already given."

In Philadelphia, under a similar system, like abuses sprang up and flourished. The rules of both parties were practically the same, and operated as they were meant to,—only to afford facilities to the "workers" to accomplish their purposes under a show of fair dealing. To control the inspectors meant to secure the primary election, without regard to the lawful ballots cast; to control the temporary chairman meant to secure the nomination, without regard to the number of delegates actually elected. The experience of a private gentleman, who supposed that he was performing a public duty by undertaking to join in the preliminaries of a political canvass, bears out this statement: "At a convention here to nominate a District Attorney in 1877, I sat as a delegate, or rather should have sat, for the purpose of nominating for that office the present Attorney-General of the United States, my friend Mr. Brewster. There were twenty election divisions in my ward, each of which elected a delegate to a ward convention, which was charged with the duty of electing three delegates to the county convention. The ward convention was held in strict conformity to the party rules, and three of us were elected delegates without opposition, receiving thirteen out of twenty votes, the other seven not voting at all. It turned out that these seven subsequently met and held what they called a convention, and proceeded to elect three other persons as delegates. When the convention met, we discovered that a printed list had been made up of the delegates to be recognized as *prima facie* entitled to sit in the convention, and our names were not on the list. Of course, we had no notice, were not even placed in the position of contestants, and were simply turned out. This was done in a sufficient number of wards to give one candidate, who controlled the temporary chairman, a large majority. It happened that I had greater facilities at my command than others, and I succeeded in having the necessary papers prepared

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to make a contest in accordance with the rules, when the 'hat trick'* was played upon me and I was again put out. This was the uniform practice here for years. The man who succeeded in getting the temporary chairman always got the nomination, without regard to the number of delegates actually elected for him." No one, though beaten by the most outrageous cheating, could make a successful stand against this iron-clad machine: for a solemn pledge in writing was exacted from every candidate before the balloting began to abide by the result of the vote in any event.

From other cities come similar facts. In Chicago, the local politicians long ago employed the methods familiar to the henchmen of Brooklyn and New York. In the spring of 1881, the notices of a primary in the Eighteenth Ward were sent out either the evening before or the very morning of the election, so as to follow the letter of the regulations, whilst giving to the "insiders" alone an opportunity of arranging to be on hand. The trick is a common one there. In Omaha, Neb., the Republican primaries, at which Democrats are frequently brought in, are under the management of a central committee, and the faction which musters the largest crowd at the opening of the polls controls the election of judges and clerks, and through them the result of the vote. At Indianapolis, Ind., the machine arranges everything in advance. At the Eighteenth Ward caucus of that city, in 1881, more tissue ballots were found in the box than there were voters in the whole ward. All were counted, and the tissue-ballot delegates declared elected. In the Twenty-fourth Ward, Democrats were brought in by both factions of a Republican caucus. Two delegations presented themselves at the convention, the chairman of one maintaining his side by the declaration: "Dey say ve had Temocrats, but it's a lie! Ve hadn't no more Temocrats dan dey did!"—a *tu quoque* argument which had its weight, for each side was allowed one-half its delegates—the customary method of composing such disputes in Indiana, according to the alleged statement of an old politician, who is said to have declared that he never knew a contest to be settled in any other way. In Cincinnati, Ohio, the primaries are controlled by the ward "leaders" much as they are in New

* The rules provided that the committee to whom cases of contested seats were referred should be drawn by lot. As the temporary chairman appointed the tellers, he had little difficulty in "fixing" the result.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

York. "The game," writes a gentleman whose name is well known in that city, "is to make the caucuses and primaries so disorderly and nasty that well-behaved people are glad to remain away"—a practice which, I am assured, is by no means uncommon at Milwaukee, Wis.

In certain parts of New England, the spirit of the caucus of Samuel Adams still, in a measure, survives. "In local elections," writes a former Assistant Attorney-General, speaking for Concord, Lynn, Salem, and Springfield, "the voter in caucus is expected to support the candidate, unless such candidate is a corrupt man" —an encouraging limitation, if allowed. Yet the exception is itself limited: "If he is only weak, a voter loses caste who bolts; and, as the Attorney-General says, he is considered a black sheep, and when he seeks for favors he gets the penalty of his independence. . . . In Springfield, the popular will generally finds free expression. . . . Both parties use the public ward-room. The Mayor is nominated at city caucus, at which many respectable voters attend, and where charges of fraud are seldom, if ever, raised." But in the political circles of Boston no such laxity of discipline is tolerated. There the evolution of the system follows the usual lines of development. The ward elections are preceded by "back-parlor caucuses," where the "slate" is made up which generally wins; and the discipline of both machines is as strict as any New York leader could wish. Mr. Patrick Maguire, Chairman of the Democratic City Committee, assures me that a refusal to support the regular candidate causes the offender "to be cut off from the party and not allowed to afterward participate in caucuses," and to be expelled from his political association or club. The Republican City Committee is composed of five members from each ward, who constitute the ward committees. They elect their own members, subject to confirmation by the Executive Committee, which controls the time of holding the caucus and the preparation of the ballots, decides contested elections, and holds exclusive ownership of the rolls. Their power, as defined by the constitution and rules, is more centralized and arbitrary than that of any other political organization of which the writer has knowledge. Their chairman also declares that a refusal to support the "regulars" is punished by striking the bolter's name from the rolls, refusing his vote, and expelling him; while a member of the City Committee who even belongs to any other political committee or

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

convention is liable to expulsion. Such is the development of the New England caucus in the State where the Republican party, in convention assembled, unanimously adopted the following statement of the doctrine of party allegiance: "The duty of all Republicans loyally to support the candidates of the party, and the duty of the nominating conventions to present candidates who are acceptable to all Republicans, are reciprocal duties of equal force and obligation." This, too, was the party which refused to expel, at the urgent solicitation of the present Governor,—it was at one of the times when he happened to be a Republican,—a delegate who declined to pledge himself as the General demanded. And yet it was in this party and in this State that Judge Adin Thayer gained the twenty-five years' political experience which leads him to the conclusion that "no better system could probably be devised."*

People do not everywhere agree with Judge Thayer, for in certain States substitutes for the primary system have been adopted with, it must be admitted, but scanty success. Of these the best known is the "Crawford County Plan," by which the electors cast their votes directly for the candidates of their choice, instead of voting for delegates to select the nominees in convention. The system, as might be expected, works fairly well in small cities and towns where candidates and voters are known to each other, and where the opportunities for fraud may thus be kept in check. In Springfield, Worcester, and some other cities of New England, for example, the custom of voting directly in town meeting for the nominees to local offices works very well, because the inspectors have little difficulty in "spotting" repeaters, and the balloting takes place in fit places at convenient hours. So, too, in Richmond, Va., the Democrats, for over ten years past, have tried the plan of keeping the polls open all day and allowing the voter a direct vote on the nominees with undoubtedly good results. The party action, it is

**Note.*—Judge Thayer takes pains to qualify his declaration in this way: "If I attend, and, contrary to my advice, corrupt men are nominated for office, then I can refuse to ratify its doings with clean hands; but not otherwise." Can he? Where in the rules of either party can he find this limitation admitted, expressly or by inference? And does Judge Thayer suppose that the "workers" will, for one instant, allow him or any other private citizen to decide for himself whether a candidate is or is not "corrupt" so long as he is "regular"?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

claimed, has been harmonious, effective, and pure, with an actual gain of popular interest.

The fact that respectability is thus allowed a voice here and there leads observers like Judge Thayer to conclude that the same system may be applied with equal success everywhere, provided only the respectable element will "come out" and do its duty. But the system in its present forms has never yet, in the long run, worked with any but disastrous results in even the respectable districts of thickly populated cities, where it has proved totally inadequate to protect the honest voter and to give his voice and vote the effectiveness which an honest system should secure. For example, a California correspondent of the New York "Nation" writes, in 1881: "The primary works here about as it does everywhere else, with reasonably fair results in the country, and in the cities in a way which is well-nigh the despair of good citizens."* In 1880, the Republican primaries were alleged to have been "fixed" for the election of United States Senator. "The vast and complicated intrigue," says Mr. Nye, "wire-pulling and log-rolling necessary to accomplish this result had been carried on under the very noses of the voters without exposing what was in progress." One cause of all this is patent. The California statute, like that of Ohio, makes it entirely optional with any political body whether or not it will conduct its proceedings under the general election law. The result is simply to hasten the abuses a single step. As the primaries in New York and Brooklyn "fix" in advance every measure which the ordinary voter is allowed to ratify at the polls, so the "back-parlor caucuses" and "conferences" of California, Ohio, and Pennsylvania arrange every nomination which the independent voter at the primary may record or not, as he chooses, with imperceptible influence either way upon the final result.

We may go further afield if necessary for examples of the degeneracy of the caucus. The "Birmingham Model," which was imported to England from the United States some sixteen years ago, is our caucus system adapted to English environment. The party "whips" naturally approve of the plan, finding it so conducive to the strictest party discipline. Mr. Chamberlain, for example, sings its praises in notes which strongly remind us of Senator Conkling, or Mr. Bliss.† But the sturdy Briton has

* A. B. Nye, of San Francisco, in New York "Nation," No. 865.

† "The Caucus," *Fortnightly Review*, 1878, p. 721.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

already begun to fret under the paralyzing grip of the machine, with its attendant evils, "pledges," "discipline," and "assessments."*

Whenever we examine, we find the same results attending the development of the caucus system in all large cities and towns. That the mass of voters have no choice in the selection of the candidates who depend upon their ballots for election must be conceded. While it is true that the majority of intelligent men do not take such interest in these matters as the public good demands, do not "come out" to the primaries and attend the caucuses; while it may be true, as Judge Thayer asserts, that "hundreds of thousands of intelligent men to-day pride themselves upon their indifference to politics,"—are they to blame? Does any really "practical" politician believe that the respectable voter can "make his influence felt," as Judge Thayer demands, or that the primary of to-day is open to him, except as the term is defined by a gentleman who, writing of Syracuse, New York, says: "It is open to any one who will do the dirty work necessary to become a leader"? And how can it be otherwise? It is not a day, a month, or an evening, or two evenings a week that a man must give to do effective political work under the present system of our nominating machinery. He must give his whole time morning, noon, and night. Does Judge Thayer understand all that is required of a district leader in the city of New York? Or does he flatter himself that he could "make his influence felt" against "Barney" or "Jake" or "Mike" better than Mr. Schultz or Mr. David Dows or Prof. Dwight has done? Can Mr. Freshman who sparred so neatly at the Harvard gymnasium on the last Ladies' Day stand up for ten minutes in a twenty-four foot ring against Mr. John L. Sullivan of Boston?

With two-thirds of the Republican bosses in New York holding federal office, it is easy to see how politics can be made to pay; and we may reform, and reorganize and reënroll annually, quarterly, or monthly if we will, yet so long as we allow our non-elective offices, federal, State, or municipal, to be used as a reward for certain sorts of work, certain sorts of men will always be on hand to do it; and it is not the kind of work that Judge Thayer

* "The Caucus and its Consequences," *Nineteenth Century*, Oct., 1878; "Political Clubs and Party Organizations," *Ibid.* May, 1878. An unsuccessful attempt was made to "discipline" no less a person than Mr. Forster for his course on the Government Education Bill in 1878.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

or Mr. Schultz or Prof. Dwight would care to do. Yet, under the present system, it is the only sort of work that tells. Let any one who feels as Judge Thayer does, that "his duty to himself, his country and mankind can only be performed by attending and making his presence felt at the primary meeting," attempt to carry out his convictions in Brooklyn or New York. Listen to the experience of an innocent gentleman who made the trial in the former city: "Together with two regular Republicans I repaired to the primary, to which I supposed all Republicans were invited; and although we were forty-year-old native citizens, accredited intelligent in ordinary things, yet to our surprise, not being members of the association, we had no voice whatever in a primary. We had gone on a fool's errand. I then learned that a few leaders had cut and dried matters, and that a host of men like ourselves, without the necessary wire-pulling knowledge and influence, would prove powerless even though we were members. Men voted for delegates and substitutes with a most absurd ignorance of what they might do. Until caucuses and primaries are conducted differently from this, I for one do not care to waste my time over them, however much I may deplore the dormant attitude it places me in as a citizen."

The nation has taken one wide step in aid of the needed reform. A large part of the federal offices will cease to be disposed of as "patronage." As Mr. Dorman B. Eaton has said, "the reform of the primaries is largely dependent upon the reform of the civil service." The same principle must be applied to State and municipal offices as well, so that another Tweed may not have it in his power to control the caucus of his opponents by his disposal of the places which he holds in his grasp. When the independent vote, which can at any time decide a national election or a State election, certainly in Massachusetts, Ohio, Pennsylvania, or New York, has secured this reform, has enforced the passage of statutes extending the operation of the general election laws to the primaries; when we punish fraud at the primary like fraud at the polls, and insist that all parties shall hold their primaries on the same day, at convenient polling places, open from sunrise to sunset; when we have extended the penalties against bribery, fraud, and perjury so as to cover all preliminary meetings, primaries, or conventions for the selection of candidates, so as to prevent the "heelers" "getting in their work in advance,"—then it will be time for Judge Thayer and men

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

who believe as he does to throw the blame for the decay of the caucus on honest people who neglect their public duties. But until we have thrown about the primary at least the same safeguards by which we protect the general election; until the honest citizen can feel assured that his vote will be counted as cast, and that by time and attendance he can really do effective service for his country, without stooping to the dirty work which is admittedly essential to success at the primary to-day,—no man can justly be charged with neglect of his duty who declines to be a party to the farce. On the contrary, as matters now stand, he who, with a full knowledge of what is before him, continues to run about to ward meetings and district associations, deserves to be called either a fool for his pains or a knave for his purposes. When we have done all that we can do and all that we ought to do to give any sort of weight to the vote, voice, and work of the intelligent and honest citizen, and have ceased to say, in effect, that if he wants to be successful at the primary he must leave his honesty at home, it will be time for us to demand his attendance and to insist that his indifference means a speedy verification of Macaulay's prophetic warning.

GEORGE WALTON GREEN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CONVERSATIONS WITH A SOLITARY.

PART II.

THE scene opens, as in the first conversation, at a small, fantastic villa in a remote part of the Island of Jersey. After an interval of three days, Franklin, the Radical member of Parliament, returns to visit his consumptive and dying friend Alison.

ALISON.—Franklin, can't you see me? Here I am in the garden. Don't ring the bell, but come around to me through the veranda, and shut the wire gate, so as to keep out the rabbits. How fresh and well you are looking! I am delighted to see you back again. And have three days been enough for your agricultural visitation of Jersey?

FRANKLIN.—One can learn plenty in three days, if one sets to work with a will.

ALISON.—So the Island has pleased you, has it? One can tell that by your manner. Well, on a morning like this, anybody might be pleased with anything. Look at the sea sparkling to the dreaming sky; look at the sunny downs on which the sheep glitter like so many dots of chalk. How fresh the flower-beds smell, like the very breath of Nature, our mother! And how voluptuously that great camellia-tree lifts its scarlet blossoms high to the moving air! Yes, on a morning like this, merely to live is pleasure.

FRANKLIN.—Where were you going when you just now caught sight of me? You were about to descend the bank, and my arriving stopped you.

ALISON.—Far below, at the foot of the cliffs facing us, is a fringe of rocks which, in this state of the tide, will be dry and warm with sunshine. I had meant to go down to them, and sit there for perhaps an hour or so, returning on a pony by a longer and less steep bridle-road. The best descent is by that steep path

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

amongst the tamarisks and the rustic steps that dive into the larch wood under us.

FRANKLIN.—Let me come with you. To bask on the rocks would be delicious.

ALISON.—This is the path. You had best be careful of your footing. When we reach the steps, all the rest will be easy. Now look back for a moment. Do you see the house above you?

FRANKLIN.—How far we have descended already! It is hanging over our heads like an eagle's nest and the lights of the red camellia blossoms are up in the sky, like stars. Now the larch-trees have hidden them. Why, this wood of yours seems to cling to a precipice.

ALISON.—A little lower, when we come to the thatched summer-house, if you lean over the railing in front of it, you will see the bay under you and the line of living foam that makes its restless crescent on the pebbles.

FRANKLIN.—What a depth! I should be giddy if I had not this bar to bear upon! Yes, there is the bay; and, what—boats, too, and smoke from houses!

ALISON.—It is nothing but a diminutive fishing village, composed of a few cottages. We shall pass in front of them presently, and when we look at them from the rocks, you will see how picturesque they are. One more flight of steps, and then we shall have reached the bottom. Tell me, why are you sniffing so?

FRANKLIN.—What a strong smell of cooking—of something being fried, I think!

ALISON.—Pah! I just then got a whiff of it. It must be close on the fishermen's dinner-time, and their chimneys are now just under us. The next turning will bring us to the shore and the pier.

FRANKLIN.—What healthy, well-dressed children! What clean and roomy cottages! How different from the hovels we should be looking at if this bay were in England! Before each door there is a little plot of flowers; and I noticed just now that, on the rising ground behind, there were a large number of excellent kitchen-gardens, with here and there what seemed like fair-sized cucumber-frames.

ALISON.—No doubt, no doubt. Jersey is full of gardens. But don't let us loiter; let us get out of the smell of the cook-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing. This is the way. The rocks are not slippery. The place I want to take you to is that ledge at the point.

FRANKLIN.—Ah, I admit that this is beautiful. What stupendous cliffs! What spikes and spires of rock! And these caves and grottoes—how fantastic and dark with shadow; and as we come near them, how full of marine murmurs!

ALISON.—Do you notice that, as we lie here, we command two prospects of a wholly different character? On one side is our secret bay, with its hamlet and hanging larch woods; and on the other the open sea, with the houseless and treeless coast, haunted, one might fancy, by sea-nymphs safe from human intrusion.

FRANKLIN.—To me, too, if I sank deep enough into a day-dream, the sound of these waves might seem like vague whispers of the Odyssey. Do you ever catch a glimpse of Calypso in the shadow of the arch behind us, watching with grave eye for the returning sail of Ulysses?

ALISON.—Bravo, Franklin! You have been touched by the *genius loci*. I am pleased to see that there is still some poetry left in you.

FRANKLIN.—Ah ——

ALISON.—What are you exclaiming at? Do you see the goddess? Have you detected in the gloom the tip of a white foot and a golden sandal pressed furtively on the dark green bulbs of the sea-weed?

FRANKLIN.—No, I fear not. My day-dream has already abandoned me, and I am looking now, not at the rocks and waves, but at the village and the ground above it. What I exclaimed at was the sight of that beautiful small valley that opens toward us its orchards and green pastures on the farther side of the larch wood.

ALISON.—No wonder it strikes your eye, as an agricultural inquirer. Those few acres you are looking at are one of the richest farms in the Island.

FRANKLIN.—And that pretty house with the gables, half-hidden by apple-trees and looking down on a bank of shaven turf—can that really be the house of the farmer?

ALISON.—It is, indeed. I hope you notice his conservatory. The place looks less like a farm-house than a kind of toy parsonage.

FRANKLIN.—Beautiful, beautiful! The whole scene is beautiful; the farm above, and the fishing village below. I could feast my eyes on it for hours.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ALISON.— Look, too, at the turrets of my villa, whose card-paper battlements just peep over the edge of the cliff. Seen from this distance, with the rest of the house hidden, they might really pass for parts of a genuine feudal castle.

FRANKLIN.— I am sorry you called my attention to them. To my mind, they are the one blot in the picture. They mar its harmony — its complete, its happy symbolism.

ALISON.— Come, Franklin, begin; I am waiting.

FRANKLIN.— Begin! Begin what?

ALISON.—Why, the bit of poetry which you look as if you were going to break out into.

FRANKLIN.—I was not thinking of any verses. Nevertheless, it is true that this scene affects me in a way I cannot describe to you. Alison, tell me one thing. Surely that smell of cooking we noticed as we passed the cottages must have been from frying bacon, or some sort of meat, certainly?

ALISON.— No doubt it did; these fellows are all great meat-eaters. But, good gracious me! what a nasty question to ask! Why spoil the scene and the fresh breath of the sea by wafting into it the greasy fumes of a kitchen?

FRANKLIN.—Your enjoyment is that of a dreamer and a dilettante. Mine is not. I, like you, am delighted with the tints of the trees and pastures, with the gray crags, and the patterns on them of the lights and shadows; in my nostrils, as in yours, is the air that the sea-gull floats upon. But with these sensations, and with the pleasure they give me, that smell of fried bacon has nothing in the least incongruous. On the contrary, it is the very thing which, to my mind, gives them all their meaning. Just now you asked me to quote poetry. I will do so. This scene, Alison, if you could only read it as I read it, would

> "Teach you more of man,
> Of moral evil and of good,
> Than all our sages can."

Every detail in it—yes, even the turrets of your villa (for I have completely changed my mind about them)— has a distinct, articulate significance. And the whole forms, if I may be allowed to use the expression, a complete political pamphlet, written by the finger of Nature.

ALISON.— This is the first time I ever heard that a beautiful view was a pamphlet, or that the key to the voice of Nature was to be found in the smell of a frying-pan.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FRANKLIN.— Let me explain my parable. It is not a very obscure one. I am a tenant-farmer's representative, and I have come to Jersey, as I told you, to study the land system and its relation to the popular welfare. I have been more than paid for my pains. The condition of the country people in this island of small proprietors is prosperous beyond anything I had ever ventured to hope. There are no great domains, no lodge gates insolent with armorial bearings, no squalid villages cringing under manorial elms, with the very church an ornament of the lord's private pleasure-grounds. Instead, one passes by a succession of farm-houses and cottages, all of which, even the latter, are as neatly built as villas, and have, like villas, an indefinable air of independence about them. The roads, from sea to sea, seem to wind through a continuous garden. Jersey, in fact, represents what we Radicals think England ought to be. and the view before us represents Jersey.

ALISON.— It is a very fair sample, no doubt, of the scenery of the Island. You have here all the peculiar richness of the vegetation, and the houses have, somehow, an aspect which is more French than English. But, except for that, it might be in the North of Devon; and I fail to see in it anything suggestive of a Radical revolution.

FRANKLIN.—Were the ground we are looking at in England, who do you think would be the owner of it? Some lord or squire, who in any moment of wantonness might name the day when all the inhabitants should be exiles, and that farm-house and these cottages be so many roofless ruins.

ALISON.— Do you think that in England such a catastrophe is of common occurrence?

FRANKLIN.— I do not say it is; but it might be, and the people know that it might be. No matter practically how secure they are, they feel that their security depends on the will of another, and they pay a constant rent for it in the shape of a degrading recognition that it does so. And with what result? It is only too apparent. Their hearts gradually are being uprooted from the soil, although their bodies are not; and hence the smallest inducement is sufficient to attract them into the great towns. Hence the rural depopulation of England; and hence, in a great measure, the decline of English agriculture.

ALISON.—My dear Franklin, do you seriously believe a single word you are saying?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FRANKLIN.—Does what I say sound so strange to you? There is surely nothing new in it. It is what all sound Radicals have been saying, certainly for the last five years.

ALISON.—I know it is; and the impression you convey to me is that you are simply repeating a lesson by heart, after them, without having ever inquired into the truth or even into the meaning of it.

FRANKLIN.—The scene before us shall speak for me, and you shall now see why I called it a political pamphlet. Contrast these cottages, contrast that farm-house with a corresponding farm-house and corresponding cottages in England. The cottages: look at the clean lace curtains in their windows, and the green Venetian shutters; above all, recollect the evidence our noses gave us of the substantial nature of the meal which the inmates must be at this moment eating. An English fisherman lodged and fed like that? Would the tenant of a few acres in England have a house which, as you say, is like a parsonage, and a garden and a conservatory fit for a suburban villa?

ALISON.—I quite admit that if this place were in England, neither farm-house nor cottages would be quite what they are here.

FRANKLIN.—Precisely; and why is that? Can you possibly doubt the reason? Here the soil belongs to the men who occupy it. As Arthur Young long since observed, where such is the case, they will turn a wilderness into a flower-garden; where it is not, they will let a flower-garden relapse into a wilderness. There is the whole Radical gospel with regard to land in brief for you, and this lovely nook we are looking at is a living demonstration of the truth of it. Do you doubt it? But wait before you answer me. You Conservatives, in your vague horror of us and our hopes of progress, imagine that we wish to upset and ruin everything; that we would have no wealthy or leisure classes, who should cultivate knowledge and the arts, and devote themselves as I, in my humble way, am trying to do, to the general advancement of society. But you are wrong. We Radicals have no feud with wealth, nor have we any desire for a Utopian equality in the division of it. I do not quarrel with those cottages because they are not so large or so elegant as the farm-house, nor with the farm-house because it is not so large or elegant as your villa. Your villa, it is true, as a feature in this particular prospect, did at first offend me a little. As you said, to the eye of fancy

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it suggested a castle and the incubus of an aristocratic landlord. But, on a second glance, I saw it in a different light; and what you so aptly call its card-paper turrets and battlements now seem to me not an embodiment of feudalism, but merely a playful, if somewhat contemptuous, caricature of it. They represent modern wealth smiling with amused good humor at obsolete rank and privilege.

ALISON.—I doubt if the man who built the turrets would be pleased at the interpretation you put upon them.

FRANKLIN.—In that case, then, they are like most other symbols. Their truest meaning is an afterthought, and would be a scandal to their first inventors. Well, are you able to read my political pamphlet now? Look—we have before us every rank—no, not rank; I mean every condition of life represented. Your villa represents the condition of the leisure capitalist; the farm-house, the condition of the working capitalist; and the cottages, the condition of the laborer who reaps the fair reward of his labors. Each of these three conditions is to the Radical equally sacred, is deserving of equal respect, and invests a man with equal rights and privileges. Now, then, let me put my question to you. Is Radicalism such a terrible or such a visionary thing after all, since a scene like this is a type of what the Radical aims at? And so far at least as the land question is concerned, does not that scene convince you that the Radical is right?

ALISON.—I should be exceedingly sorry if every country house in England were to be what you say my villa up there is—a vulgar joke in stucco at every thought and feeling.

FRANKLIN.—I never said *vulgar;* I said good-humored.

ALISON.—Very well, then, a good-humored joke in stucco at every thought and feeling that makes the life of a rich man respectable.

FRANKLIN.—What!—But never mind; we will talk about rich men presently. Let us confine ourselves first to the cottages and the farm-house. There they are; you see them; and I ask you if, on your own admissions, they are not proofs of the beneficial effect of ownership as contrasted with that of your wretched feudal tenancies? Why are you smiling?

ALISON.—Jersey, as you say, is an island of small proprietors; the people, as you say, are for the most part singularly prosperous; and you could find no prettier example of their prosperity

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

than what we are now looking at. You will take it as a text, no doubt, for some future speeches about the land laws.

FRANKLIN.—I shall, most assuredly. Upon my word, I cannot see anything to laugh at in that.

ALISON.—I don't want to laugh, but I really can hardly help it; for it so happens that that very farm and those very cottages you admire so are not the property of the farmer or of the cottagers at all, but belong to a certain banker, of whom I rent my villa, and are held from him exactly as they would be held in England. Please forgive me. It is very rude, my laughing. But if a little thing sets one off, it is sometimes very hard to stop oneself.

FRANKLIN.—I don't grudge you your laugh; only, as soon as you are able to listen to me, allow me to say a word or two. No doubt that you think I have been very neatly caught in a trap, and I am quite aware that, for the moment, I must seem in a ridiculous position; but let me explain myself. I do not, of course, maintain that, apart from other considerations, a man gets more for his money by buying his land or house than by renting them. We Radicals do not look on landlords as robbers, nor should we wish to expropriate them without full compensation. Commercially, the relation of squire and tenant is sound enough. Like the opium trade, its evil is in its consequences. The popular degradation and the material loss it causes are not due to rent being a robbery of the fruits of labor, which it is not, but to the roots of labor being injured by the position which the rent-payer occupies. He is enervated with a sense that dependence and inferiority are his birthright, and he suffers, not because his money, but his incentives to make money are taken from him.

ALISON.—There are still a certain number of yeoman farmers in England. I doubt if you will find them more prosperous, or indeed different in any way from the tenants.

FRANKLIN.—That is the very point I was myself coming to. Amongst the agricultural classes in England, tenants form an immense majority, and their social conception of themselves is thus caught by the minority of freeholders. The same thing happens always. Make a banker a peer, and he will strut as if he owned a county. Now, just as in England the small proprietor has much of the character of the tenant, so here in Jersey I conceive the tenant will have much of the character of the small

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

proprietor. What you tell me, therefore, as to the particular farm and the particular cottages we have been speaking about by no means destroys the inference I have drawn from them, though I must own, in honesty, that it makes it less striking and direct.

ALISON.—At our last meeting, you remember, we were talking about Radicalism and Democracy, and we said when we met again we would go on with the discussion. Here we are plunged in the middle of it already, and I have got you, quite by accident, on one of the very parts of it which I most wished to bring you to book about. I am delighted with your forbearance when I began to laugh at you; and I recognize that, from your own point of view, your answer is perfectly just.

FRANKLIN.—My point of view, then, is still not yours? To own one's home, to take a pride in one's home ——

ALISON.—My dear Franklin, not so fast. You must tell me a great deal more before I can compare your point of view with mine. As to one thing, however, you re-assure me greatly. Landlord as I am, you do not think me a robber. I am not a criminal because I accept my rents. I wish to know, then, why it is I am an abuse, because money which you have no wish to rob me of is invested in this particular way.

FRANKLIN.—I can conceive of the land system being so revolutionized that money might be invested in land to almost any extent, and yet no result ensue with which any Radical would quarrel.

ALISON.—Do you mean by arrangements that would secure fixity of tenure and free sale to the tenants?

FRANKLIN.—It would be a step, no doubt, in the right direction to have the landlord a mere rent-charger on his estate; but that would not be nearly enough. His house and park would still be there; they would still permanently connect him with the neighborhood, and make him permanently the central and most prominent figure in it.

ALISON.—Then, ought no rich man to have a house and pleasure-grounds in the country?

FRANKLIN.—You mistake me. I have not the smallest objection to that.

ALISON.—You altogether bewilder me. I can understand your objecting on theory to a landlord's being able capriciously to evict his tenants; but supposing him to live on his estate as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a mere rent-charger, why should he be more obnoxious to you than if his money came from a cotton-mill?

FRANKLIN.—I will tell you. In the latter case, his position would be as separate from that of his neighbors as if he merely lived in a large house in a street. But once let it be known and felt that his money comes from the fields and the farms surrounding him, then, no matter how much his powers are limited, his name and his personality become identified with the neighborhood, and the very slopes of the hills which bound the horizon of the villagers seem, somehow, to exist for him. The moral effect of this single fact is incalculable. His neighbors are no longer neighbors, but supporters, tributaries ——

ALISON.—Pardon my interrupting you. But will you allow me to ask what are those conditions you spoke of, which would make land, in your eyes, a legitimate form of property?

FRANKLIN.—A great deal would be done, could it merely be made illegal for a man to live amongst the acres in which his own money is invested; but the sole arrangement that would fully meet the needs of the case would be one that would place the land in the same position as the funds. You would invest your money, and you would receive your interest or your rental; but you would be unable to connect this with any special locality, or to tell any one whether your property were in Cornwall or in Caithness. I don't say, remember, that this scheme is practicable. I mention it only to show you that the Radical's disapproval of landlordism has nothing to do with envy or disapproval of property as such. Supposing the revolution I have just described to take place, it would virtually amount to this. The Government would buy up all the land from the landlords, and the landlords would buy back their interest in it, in the form of stock, from the Government.

ALISON.—The only economic change, then, would be this: the Government would become the landlords' rent-collectors. I fail to see what benefit that would convey to the tenants.

FRANKLIN.—Have I not told you already that we want to rob nobody and to make presents to nobody? The change we desire is a moral change, not *novæ tabulæ*.

ALISON.—And, so far as I can make out, the only moral change you would produce would be to deprive riches, as I too have told you already, of everything in them that makes a rich man's life respectable. Should I, for instance, be looked up to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

—should I deserve to be looked up to by anyone, if the gray gable of my own home in England represented nothing to those about me beyond the fact that I had more money than they?

FRANKLIN.—Everything turns upon that one question. Why should you be looked up to? Why should any one of us look up to any other? It is precisely those upward glances that we Radicals wish to abolish, and we hate the English land-system because it is mainly responsible for their continuance. Yes, I repeat the word, we hate it. It is the canker of our national life. You seem surprised at my warmth. I will do my best not to excite myself. But tell me, do not you too, at the bottom of your heart, think as I do? You spoke just now of what makes a rich man's life respectable. You cannot mean what your words, as you used them, seem to mean! You cannot mean that one man's dignity depends on another man's self-abasement! Is your own position respectable only because peasants you disdain to speak to touch their hats as you pass them? Or, is it at the mercy of any farmer who should presume to be at ease in your company?

ALISON.—The signs of respect you talk of are of as little value in themselves as the Apostles' Creed is, regarded as a series of verses; nor should I regret their ceasing, unless it meant the ceasing of what they signify. What that is, you do not seem to understand. So far, however, as self-abasement goes, I should have thought your experience in the United States must have taught you that it is possible to bow to wealth derived from trade quite as low as to wealth derived from land.

FRANKLIN.—I am no apologist for the worship of vulgar luxury, but it is harmless when compared with the reverence for territorial rank. The one is a mere weakness; the other a pernicious superstition. I seem not to understand what that reverence is, you say. My good friend, I understand it too well. There is a certain noble marquis—a relative of your own, I believe—on whose noble lands I had myself the honor to be born. I was beaten by my father once for not taking off my hat to his lordship. I do not know, you think, what that reverence is! Oh, I remember to this very hour the hushed tones of my mother whenever she spoke of the castle or any of its inmates. Have I forgotten, do you think, how we used to call them *the family*? *The* family—as if we were not a family, also!

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

— as if about them there were not a hundred families! We all laugh as we think of the French king who said *l'état c'est moi*. But every English squire to-day says something worse than that: he says *le voisinage c'est moi*.

ALISON.—And if he does, what then? He means merely that he owes his neighborhood duties as a return for its owing him rents; that his relations with his tenants, in fact, are personal as well as commercial.

FRANKLIN.—Duties! One would think, to hear you, that men like my father were children. Such duties as those you talk of are an insult, a presumption, an impertinence! The people ask for none of them.

ALISON.—Should the rich then give no help to the poor? Would you have no charities?

FRANKLIN.—We are not talking of charities. To these let all contribute, each in proportion to his means. My father subscribed to the county hospital just as regularly as did my lord the marquis, and on precisely the same principle. His lordship's subscription was naturally far the largest; but what had this to do with any duty, on his part, to my father? What personal relations with him—that is your phrase, I think—did it imply? Ah, my dear Alison, you look upon me as myself, a man of the people, and you find a little difficulty in telling me what you really mean. But I am not so squeamish. What are these duties of yours but so many acts of condescension or of interference, the chief aim of which is the display of your own superiority, or which, if they court gratitude, court it merely as one form of submission?

ALISON.—Let us put personalities out of the question. No noble lord would presume to think he had any duties toward you now. Let us content ourselves with speaking of the tenant class generally. Answer me this: is it not better for both parties that the landlord should wish his tenants to prosper for their own sakes, not merely for the sake of the percentage he draws himself from their prosperity?

FRANKLIN.—Such a gracious wish would, no doubt, do great honor to his heart; but I fail to see that it would do the least good to the tenants.

ALISON.—This paternal feeling I speak of——

FRANKLIN.—You have said it at last! Yes, I knew that was your meaning. What right has a man, because I hire a piece of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

land of him, to treat me as a child and insult me with his airs of paternity?

ALISON.—I was about to quote the well-known observation of De Tocqueville's, that in countries where this paternal feeling exists amongst the land-owners, rents are always lower than in countries where it does not.* That is an advantage to the tenants, surely. You must at least admit this much.

FRANKLIN.— On the contrary, I altogether deny it.

ALISON.— Deny it! Deny what?

FRANKLIN.— Not what De Tocqueville says. That, I think, is on the whole true. My father's farm, I know, was considerably under-rented. What I deny is, that this was of any real advantage to him. He might have been a richer man had he paid a higher rent, could he only so have rid himself of all such dependence; could he have looked on the noble marquis from whom he hired his house and acres as the noble marquis looked on the man from whom he hired the canvas ball-room in which we were mustered to expose ourselves in honor of his son's majority. To make a long matter short, what, as a Radical, I complain of is not that land-letting is unjust as a piece of business, but that under the land-system now existing in England it is impossible to make it a piece of business only.

ALISON.—Not even by security of tenure and free sale?

FRANKLIN.—You have asked me that question already, and I have answered no. Unless they tended to break up the large estates, the arrangements you speak of would not touch the root of the evil. The rich landlord would still be the patron; the comparatively poor tenant —— Is there anything on my coat? What is it you are looking so hard at?

ALISON.—My eye was caught by your magnificent pearl scarf-pin. I was unable to help staring at it.

FRANKLIN.—Such things are little in my line. I bought this out of kindness for a small jeweler whose business seemed to be leaving him, and who was in daily fear of bankruptcy.

ALISON.—May I ask you a very rude question? Was it a great bargain?

* De Tocqueville observes that if a man owns a hundred acres he will try merely to get all the rent he can from them; whereas, if he owns a hundred farms, he will, at least in aristocratic countries, aim rather at securing the attachment of his tenants.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FRANKLIN.—On the contrary, I paid for it a good deal more than its worth. I was dealing with the man at the price as a pretext for giving him some assistance.

ALISON.—Hah! my friend, I think I have caught you now. Was that little matter a piece of business only? Were not you the patron, and was not the poor jeweler the patronized?

FRANKLIN.—I admit that this special transaction was more than a piece of business, and if you like to call kindness patronage you are free to do so. But had I really wanted the pin, and given no more than a fair price for it, there would have been no patronage on my part then; whereas, under equivalent circumstances, on a landlord's part there would be. Besides, practically, so far at least as pleasure goes, my friend the jeweler and I are by this time quits. Do you see this silver match-box, with my monogram? Two years afterward he sent me that as a present; and, slight as its worth in money is, I can assure you I am repaid five-fold by it.

ALISON.—You will think, perhaps, that my talk is a little wandering; but of all trades I think farming the most desirable.

FRANKLIN.—I don't catch your train of reasoning, certainly. Why do you think so?

ALISON.—You mentioned that your jeweler was in danger of failing. Now, farmers never are; they are never even in difficulties.

FRANKLIN.—You astound me. You are a landlord, and you venture to say that! On the contrary, of all classes, farmers are in difficulties oftenest.

ALISON.—Such being the case, then what should a landlord do? Should he treat his farmers worse than you treated your jeweler? And should his farmers treat him worse than your jeweler treated you? My good friend, I think I have caught you a second time.

FRANKLIN.—It is not perhaps easy to answer your retort off-hand; still, if we were talking merely with the intention of catching each other, I might reply by asking you if the dignity which you admire in a landlord is a dignity which is founded on the necessities of his tenants?

ALISON.—And I should reply that the moral life of every one of us is founded on nothing but the necessities of all our neighbors. Surely you, who are a worshiper of humanity, will be the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

last person to doubt or deny that. Duty is something more than mere commercial honesty; indeed it only begins where commercial honesty ends. This is not true only as regards man and man. It is equally true as regards class and class.

FRANKLIN.—With this difference, that between man and man the code of duty is no respecter of persons; between class and class it is a respecter of nothing else. In the one case it is based on a natural moral equality; in the other it is based on artificial social distinction.

ALISON.—You told me the other day that you valued your own wealth because it enabled you to feel that you were at work for multitudes. Have you, then, as a rich man, no special duties? And yet is not wealth an artificial social distinction?

FRANKLIN.—The same question again! It seems I shall never explain myself; and yet I will try once more. No—wealth in itself is not a social distinction in the sense that landed wealth is in a country such as England; and its duties are not special. I helped my jeweler because I was a man, not because I was a rich man. My riches were merely the accident that gave me the means of helping him. But landed wealth—let me contrast, for instance, the position of a large landlord with the position of a large mill-owner.

ALISON.—Pray do.

FRANKLIN.—The mill-hand regards the mill just as the owner does. To each it is nothing but a means for making money. Accordingly, the subordination of the former to the latter is a purely official thing. It ends daily with the hours of work, and forms no part whatever of the workman's private life. But to the dweller in the country, each field and meadow has a place in his innermost affections, is mixed with his hopes and memories, and is a part of his very existence. Thus the landlord to whom he pays a tribute for every hedge-row and every hawthorn takes in his mind a place equally permanent, and his superiority seems part of the general order of nature. Well, the result is this: The mill-hand regards his master as a luckier man than himself; but, apart from that, he thinks him merely his equal. It never strikes the farmer that his landlord is lucky at all. He regards him simply as a different order of being. The mill-hand thinks the master has a finer house than I. The farmer thinks, considering what his lordship is and what I am, our different houses, for us, are alike, the one about as fine as the other.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ALISON.—And what happier picture could you draw of the feeling between class and class? My one regret is—my bitter, my ceaseless regret—that this feeling you describe is vanishing.

FRANKLIN.—It would have vanished long ago if we could have had our way. We began this discussion as though the question involved in it were nothing but the relative positions of landlord and rural tenant, but in reality it affects the entire progress of society. You say I must know, from my experience in America, that the slavish reverence which in England exists for rank can be excited by riches also. True—that is so; but why is it? It is because the feelings engendered by European feudalism still survive to poison the relations of all classes and to confuse the idea of rich and poor with the idea of lord and vassal. These feelings it is that we Radicals regard as the chief of social evils; and it is with a view to their destruction mainly that we are working for a reform of the land-laws. Our object is not to pilfer from the landlords a pitiful percentage off their rent-rolls. How would the abolition of primogeniture help us to accomplish that? No, the social revolution we aim at is moral, not financial. We do not ask that all men should be equally rich, but that all should be equally independent. We ask that the poorest man shall feel no fear of the richest, nor shrink from offending or disregarding him.

ALISON.—We are fast enough coming to that condition now.

FRANKLIN.—We are progressing—yes; and, as I am trying to impress on you, the remains of territorial feudalism are all that now hinders us. We shall never cease from our agitation so long as there are still men in England whose sole legal hold on the homes and scenes of their childhood is the thread of a yearly tenancy, which, for any caprice of a moment, the landlord might snap forever.

ALISON.—And yet the same families, on no other tenure than this, have, in many places, held the same farm for generations.

FRANKLIN.—Such cases are the worst of all. Morally, no doubt, the tenants feel secure enough; but the more secure they feel, the more dependent they become; the more is their life bound up with a confidence in their landlord's good-will to them.

ALISON.—Are you mad, Franklin? What else would you have? Is not all that is best and truest in the life of each of us based on this same confidence and on nothing else? In what

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tenure, let me ask you, does a man hold his wife's affections? a father, his son's? a friend, his friend's? Mutual confidence and mutual need—is not one the bond and the other the very source of society? They are so between man and man. They are so, also, between class and class; and just as they constitute in the former case the life of a private circle, so in the latter do they constitute the life of a country and a civilization. This life, like any other life, is subject to disease; but life and disease are not the same thing. You Radicals think they are. You would try to reform a libertine by teaching him not to love. If a heart beat irregularly, you would plunge a knife into it. That is what you are doing, or trying to do, to England. I am glad that my days are numbered, and that I shall not be in at the death. But see—there is the boy with the pony come for me. After luncheon, we will go on with our discussion again.

W. H. MALLOCK.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE LIMITATIONS OF FREETHINKING.

THE bane as well as the boast of this age is intellectual pride. The volume of our conceit is sometimes in the inverse ratio of the sum of our consequence; and in the absence of all other claim to importance, we can be proud even of our pride. But ours is not a vain conceit; there is in our bounding self-assertion the pulse of lofty consciousness and the tickling testimony of the century's "well-done." We can demonstrate that we have wrought many and great changes in the social and material conditions of the race; and with every change we can point to a corresponding improvement. We have entered on a path of discovery that must eventually lead to the recovery of the lost unities of nature. We have solved many of the knottiest problems of society; and among our happiest exploits, we can boast of having unearthed the long-lost truth, that humanity is one and indivisible, bound up in unity of origin and indivisibility of destiny. We have broadened and deepened the foundations of society, and upon the bed-rock of nature's postulates have laid the broad base of the political edifice—that grand architectural *chef d'œuvre* of manhood's maturity, redeeming the infant promise of Babel, and offering shelter and security to all classes and conditions of men; a structure nobly planned; in conception vast; in proportions, majestic, solid, and enduring. We have re-adjusted the social relations, abrogating some that were old and creating others new. Our civilization is a re-assertion of manhood's original "bill of rights," and the words master and slave are heard no more. We have made inhumanity a crime, and substituted for deeds of philanthropy the works of social justice. Love and mercy remain, but we have given them the nobler and holier names of right and duty. By narrowing the circle of the sentimental and gratuitous we have secured every just claim of man, without making him a mendicant on

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

anybody's bounty. Our civilization is, moreover, the common heritage of the race; and every man, woman, and child on earth is heir to its blessings, share and share alike. We acknowledge neither caste nor class privilege; the unit, man, is the basis of our partition.

But is this really the unit? There are in every man two lives, as distinct as if they were not united in oneness of personality; two natures that live apart, each subject to its own laws of health and development. There are in every man a Jacob and an Esau, who struggle for the mastery from their issuance, and even in their issuance from the womb. Multiply the number of men now living by two, and you will have the whole number of individual human lives throbbing with present hope or writhing in the agony of past disappointment. We still have in our civilization a "relic of barbarism" which gives to the material man the promise, and to the intellectual man the pottage, of the age's inheritance.

Without going to the absurd extreme of denying the existence of external objects and reducing the universe to the limits of personal consciousness, we can safely say that man lives chiefly and preëminently in his own thoughts. The senses are but delvers in the mines of matter, material light aiding in the work of discovery. They come back laden with the ore of experience, which, by reason's dissolvent, is reduced to the gold of knowledge. The spirit of man scorns contact with earth. The mind itself is no vagabond; like a hermit in his cell, it sits and sifts the reports of those viewless couriers of thought who wander evermore. Man's outward seeming, his visible life, his actions on society and society's reactions upon him, are but the non-committal utterances of the mind's diplomacy, the cautious official bulletins from the camp or court of our interior life. Every human life is a little kingdom, whose fixed policy is the maintenance of the balance of power between clashing domestic interests. In human life, the fairest side is always out, and a calm exterior often conceals deadly strife in the heart's distracted household. We have introduced civilization into warfare and subjected to law the commerce and comity of nations. Is there no law to reach this dark council chamber where man holds mysterious communings with his thoughts? After the mind dismisses its ministers of sense and wraps itself about in the mantle of its sovereign individuality, can it claim emancipa-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion from all law and freedom from all restraint? Is the thinking man a thoroughly lawless and irresponsible being? We think not. The multitudinous progeny of the brain are not wild tribes in the republic of letters, without laws or reservations. The principle that "the king can do no wrong" does not apply to the autocrat of letters.

Thoughts have their ethics as well as deeds. A man has a right to his opinion; but not always. He has a right to his opinion if his opinion is right. Perhaps that opinion is born of ignorance; if so, to say that he has a right to the opinion is to assert that he has a right to the ignorance. That opinion may be the result of prejudice, and he has no more right to hold the one than to entertain the other. A man has a right to hold a right opinion, and the further right to be righteously disabused of a wrong opinion. Human laws, in regulating the external actions of men, but formulate the civilization that enacts them. But they only regulate the conduct of men toward each other. With acts that begin and end with the individual, and which nowise affect the rights of others, human laws have nothing to do. Laws are expedients. What instinct does for the lower animals, in securing for them peace and plenty, that human laws do for men. The most perfect laws the world has known or can know but guarantee to man what instinct secures to the brute creation. Not only the bees and the ants live in a perfect society, but the bears and the vultures enjoy the luxury of good government. In the vast wilderness, where the foot of man has never trodden, the savage beast enjoys a law which its instinct, could it think, would formulate into our "*Salus populi suprema lex esto.*" But there are fountains of law far beyond the reach of the human lawgiver, fountains of freshness and purity from which only the conscience can drink. Beyond our high and grand civilization there is a higher and grander still—the civilization of the cultured soul. The ages of the world most renowned for their material civilization were oftentimes eras of exceptional brutality. The most polished nation in the world is the French; yet a French duelist will withdraw his rapier from out the heart of his antagonist, executing a bow the while that would make a society actor turn yellow with envy. The Antonines sought solace from the cares of state by witnessing a butchery in the amphitheater, and in the days of cultured Greece cripples and idiots were outside the protection of the laws.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The war-whoop of the intellectual savages of our time is "Free Thought." This is the most laconic paradox ever uttered. By thought we are to understand the assent of the mind. Now, conviction gravitates to truth, when demonstrated, just as infallibly as water seeks its level or bodies fall to the earth. It is not in the power of the human mind to deny a truth once its existence is demonstrated. If freedom of thought means liberty to impugn the known truth, then to be mentally free we have but to apostatize from reason. If by "Free Thought" we are to understand emancipation from system, we are guilty of greater absurdity; for to accept a system, and, at the same time, to deny what follows from it, is to believe that a thing can be both true and false in the same respect. If every thinker is bound at the outset of his career to abjure all systems and theories and generalizations, we shall never get away from the A B C's of knowledge. If we mean that we must not be bound to a system or theory until we have proved its truth, we may ask what power can shackle the faculties of the mind? What court can issue, what minion serve, a writ upon reason? What prison bars can contain an idea? But, perhaps, we are to understand freedom of thought to mean that man is not accountable for his thoughts. I have shown that thoughts are the most human of human acts; now I will try to prove that they are subject to the common laws of human ethics. A man who reads a libel, knowing that it has been adjudged a libel by a court of competent jurisdiction, is guilty of an offense before the law. Why? Because the law holds that every man of good repute has a right in his good name. What honest husband, finding the groundlessness of the suspicion he has harbored against his innocent wife, does not feel his conscience smite him, and urge him to make confession and seek forgiveness? The injurious thought may never have found lodgment in the eye, may never have been fondled by the quivering lips, may never have risen on tiptoe to the ear; the heart gave it room, and that is enough to make him hate himself. What grander asseveration of constancy can man make to doubting woman than to say he never injured her even in thought?

But is the mind absolved from law when it soars to the realm of pure thought, when roaming over the fields of speculation, fancy free? Ah! here man feels like a god; he creates new worlds with every fiat of conception, and the law of their

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

life is an emanation from his own thinking essence. The realm of purest thought should be the field of the loftiest morality. Des Cartes would have us believe that the world of thought is a region of ceaseless tempest, abysmal darkness howling to the abysmal dark; that the only safe retreat for the tempest-tossed mind is the eyrie of universal doubt. That sounds like the Johannic "In Principio" of the gospel of despair. It summons the naturally religious soul to commit suicide on the altar of a stone-eyed philosophy. Man could not be a rational being without a free will. All laws, human and divine, are but the dictates of truth; they emanate from practical reason and presuppose freedom of choice. What civilization is to human conduct, that the ethics of the mind is to human thought. But a man may be socially civilized and in thought a barbarian; and, *vice versâ*, intellectually a gentleman and socially a boor. Whited sepulchers are not always the men who wear a fair exterior and are inwardly knaves; they, too, deserve the name who have the hearts and habits of men, but in blasphemy resemble the demons.

Barbarism is distinguished from civilization by a certain wild pride and independence that brook no control; a total disregard of others' rights; a callous indifference to the infliction of pain, and a general uncertainty and unfixedness of property tenure. A barbarous society is one based on the maximum of selfishness consistent with individual safety. An intellectual barbarian roams over the world of thought as if it had never been surveyed or portioned in severalty. He respects neither ownership nor occupancy. All theories, all systems, all general principles, he considers the usurpations of intellectual feudal lords, and he strikes at the grasping aristocracy of thought. As all property is robbery to the Communist, even so is all principle usurpation to the Freethinker. It is not strange, therefore, that we find Communism and Free Thought indigenous to the same social soil and thriving under similar atmospheric conditions. The intellectual barbarian sees chains in social customs and tyranny in all social order. The vast ramifications of human interests claim no consideration from him: although the grandest and best institutions of society should be buried in the fall, he boldly lays his ax to the root of the tree, nor recks the cost. What to him the truth, so patent to other people, that principles underlie morality, and morality

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is the basis of society? What cares he for the abstract proposition, that without morality even civil government is impossible? He answers you with the hoarse shout: "*Fiat libertas; ruat imperium;*" and he straightway lays his intellectual dynamite at the foot of the social arch. He swoops down like a literary Attila on the fair provinces of conservative knowledge, his feverish activity stimulated by feelings akin to those ascribed to Blücher when that burly soldier first entered London. A book by a Freethinker is a store-house of booty, collected during a life-time of literary outlawry.

The literary savage, too, loves to inflict pain. The holiest relations of life, the fondest conceptions of duty, the dearest creations of philanthropic fancy are the objects of his malignant destructiveness. In common with all savages, he requires a vast territory to roam over. A Freethinker dabbles in theology, philosophy, political economy, history, physics—in any and every study that can be reached by a bullet of blatant negation. He is a slave to a master. No savage Indian ever obeyed his chief with half the alacrity that literary braves show in following their chosen leaders. They are the veriest slaves of certain literary dictators. The Tecumseh of the theological tribe is Voltaire. The Sitting Bull of the political tribe is Paine. The Logan of the scientific tribe is elective, the beads and feathers being generally awarded to the latest God-killer.

The people who have kept pace with the development of civilization will understand that the social world is one of law and order, in which individual sacrifice contributes to the strength and safety of the commonwealth. The same law of compensation holds in the world of thought. A savage is proud and self-reliant; a civilized man is modest and prudent, even to timidity. The wise thinker knows that his knowledge is a little dim light visible against a dark and illimitable background of the unknown. There is a capital X in every mental conception. What we first apprehend by the senses and afterward comprehend by reflection is the thing nearest our intellectual vision; stretching out and away to the vast horizon and beyond lies the infinite unknown. Every thought of man is a single reflection. Change the angle of vision, and it becomes a mixed image; above and about the picture, yet blended with it, are the bold outlines of his shortsightedness and insufficiency. The philosopher who said, "This only do I know, that I know nothing," was not guilty

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of so great a paradox. Blind pride may battle against the conclusion; baffled inquiry may clutch at the intangible entities that lurk behind phenomena; but to the one inevitable conclusion all insurrectionary reasonings must come at last. Man is himself enlightened, but the light that illumines him is not man. To abolish all reciprocity between the natural and the supernatural, men have tortured their reason into all manner of Procrustean theories. Take this one, for instance: "*Dubito; ergo cogito. Cogito; ergo sum.*" Here is a marvel of deduction more violent than any the wildest superstition teaches: absolute certainty born of absolute doubt; luminous day begotten of Cimmerian night. A man who, to convince himself that his eyes are not channels of vision, should pluck them out, would not be guilty of more stupendous folly. Yet from this germ has the whole field of modern philosophy been overgrown. This is intellectual suicide—an apostasy of reason. From the first moment of consciousness the mind travels in the border-land of the infinite; and as Columbus inferred that there must be a continent lying off to the west from the drift-wood borne on the waves, so the honest thinker must know that there is the infinite beyond from the broken fragments of truth that drift upon the shores of sense. The man who sublimely thinks must profoundly adore. To him, the boundless sky of speculation is a symbol of infinity, and he bows his head and worships. A little humility is an unfailing antidote for universal doubt.

Men have vested rights in their thought, as they have valid titles to their property. If rights, duties also. And rights and duties are not mere conventionalities. A shipwrecked crew, cast upon an unknown and uninhabited island, will not hesitate to punish crimes against which, in organized communities, laws are enacted. In cases of crimes committed against the laws of the land, the accused has the right to a full, fair, and impartial hearing. In the republic of letters, no man should take the law into his own hands. Private vengeance is wrong in letters as in law. We must be just in our thoughts when we have to do with the thoughts of other men. When sitting in judgment on our literary neighbor, we should remember that possession is itself a right, and that the thoughts we judge are in possession. Two wrongs make not a right in law or letters. The man who originates and gives to the world a dishonest thought is guilty of a high crime against the peace and majesty of sovereign

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reason. The man who publishes to the world an ignorant conclusion is guilty of a literary misdemeanor. The injunction to prove all things, and to hold fast that which is good, is the first and the greatest commandment to the thinker. There is modesty in letters. The best interests of the literary commonwealth demand that the accused thinker be tried by a jury of his peers. The greatest scandal of letters is the habit of literary tyros and novices of summoning before their ignorant bar the great thinkers of the world. When Jehovah threatened to give the Israelites boys for princes, he menaced a state of confusion that has been realized in this literary age. Especially in the inexact or speculative sciences is this scandal to be seen. It requires a skillful navigator to essay unknown seas, and only he who has traveled long and safely the ocean paths marked on the chart can hope for success in exploring untried waters. Only the expert can prospect successfully beneath the earth's unviolated crust. In like manner, only he who has studied long and well the exact sciences can safely and profitably delve in the mines of speculation.

There is piety in thought. The "*laudator temporis acti*" is always a taciturn individual. The man who of all men talks loudest and longest is the self-appointed spokesman of a shallow-minded age. What was said by Johnson of the work of a writer of his day is true of much of the literary product of our time: "What is good is not new; and what is new is not good." A passion for novelty in thought and expression oftentimes makes us victims of cruel deception. What we accept as genuine literary coin is frequently the basest of counterfeits. Great men and mighty thinkers were in this world ages before we were born; and centuries after we are gone their names will be repeated, and greater thinkers still will look across the lowlands of our commonplace to those still towering eminences, wondering how nature can rob a million men to make one great man. They will wonder more if they discover any specimens of our ephemeral literature to find how little, of all we know, we credit to the sources from which it sprung. We study nature more than the ancients; but the ancients studied man more than we. The field of ancient thought was not uniformly fruitful; ours is rankly luxuriant. But we should not forget that their skies were not as kind as ours; yet, under exceptional conditions, there grew in those by-gone days lofty intellectual cedars, whose roots, grasping the solid rock of everlasting truth, have held fast

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

during the storms and tempests of the intervening years; and they stand bold and erect to-day, monumental of an age of God-like thinkers. We should treat the thoughts of contemporaries with justice; those of the ancients with justice and reverence.

All thought is imperial. In speech and port it is grandly monarchical. Though it should reign supreme but for a moment, for that moment it is a sceptered sovereign. But in the flash of its momentary supremacy it should not act the tyrant. Let not the royal thinker put out the eyes of the little literary princelings who may one day be competitors for his throne. An upstart thinker sometimes plays fantastic literary tricks that make sober common sense weep.

There is moral purity in thought. Men have often wondered why the poetic thought of every age is so impure. Poetry is the vernacular of the soul in a state of spiritual elation. Sensuous poetry is the language of the soul aflame with lustful passion. The "fine frenzy" into which the fiery poet so ruthlessly plunges is an atmosphere of wildest freedom and illimitable impunity. If there is a taint of impurity in the eaglet's eye, he shows it when he looks at the sun. If there is an ugly spot, one feather of off-color, in the wing of the flyer, it appears when he spreads his pinions in the empyrean of fancy. The poet, of all men, should be "pure of heart" if he would see the true, the beautiful, and the good. Some one has warned us "to look out, when God sends a thinker on this planet"; the warning is well spoken, if that thinker be an impure poet. Impure poetry is the phosphorus that plays above the decay of a putrid society. It is the "abomination of desolation" standing in the holy place of God-like fancy, presaging the destruction of religion and the ruin and downfall of the temple of faith. To her lascivious poets of the last century France owes her infidelity of to-day. We should never surrender our thoughts to the keeping of the unclean. An author who takes his reader into his confidence and whispers into his ear an indelicate word, a word that if overheard would cause modesty to blush, is a wretch and a villain. We may not go in thought where to be corporeally would be contamination. A man generally rises or sinks to the level of his thoughts. Blasted reputations are the closing chapters of downward-thought lives. From what has been said, we are warranted in asserting that thought is a thing of conscience, and has ethics and a civilization peculiarly its own.

D. S. PHELAN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AN AMERICAN WILD FLOWER.

In a sequestered corner of the rockery whose trickling fountain feeds this careless little English garden, a cluster of scarlet New England columbine grows lustily from a dry nook of scanty black soil. They are aliens here, those wild American woodland bells, with their graceful hanging blossoms and their native beauty of untampered form; for they are by birth citizens of the State of New York, and they waved originally on a solitary granite rock among the Thousand Islands, not far from the exquisite reaches and dotted rustic villas of Alexandria Bay. The islet from which I gathered that knotted root, as one trophy of a delightful botanizing campaign in lands beyond the sea, was but a mere boss of rounded rock, worn smooth by grooving glaciers of the great ice age, and thinly covered by a shallow sheet of rich vegetable mold; but on its top sprang many treasures which, beautiful in themselves, have for the European naturalist all the added charm of novelty and surprise. A red cedar or two overhung the water's edge with feathery branches dipping low to the level of the stream; a thicket of huckleberries spread beneath the shadow of green Canadian spruces; and innumerable spring flowers blossomed underfoot in all the wild profusion of American spring-tide. There were blood-roots, with their waxen, creamy blossoms and their thick bleeding stocks; there were May-apples, with their green Japanese parasols cleft in the stalk to find space for the dainty snow-white bloom; there were great three-leaved trilliums, red and pale; there were cup-shaped hepaticas, and adder's-tongue lilies, and stars of Bethlehem, and yellow violets, and creeping winter-green; and in the moldering bole of one decayed pine-stump there was this identical clump of ragged orange and scarlet columbines. A trowel soon transferred them, mold and all, to an Indian parti-colored woven basket; and after undergoing many changes and reverses

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by sea and land, here they are at last, flowering as bravely on this wee strip of Kentish hill-side as ever they flowered in their native soil behind the endless blue mazes of the broad St. Lawrence.

Even if I did not prize those red columbines as the living souvenir of a charming tour among the loveliest tangled water-scenery of the whole world, I should prize them for their own sake as beautiful natural blossoms of singular gracefulness and unrivaled delicacy. All the columbines are pretty enough after their kind—have they not even given their name to that incarnation of airiness, the flitting fairy of our old-world pantomime?—but there is not one among them so absolutely dainty and pensile, so perfect an embodiment of the generic ideal, as this red New England and Canadian form. The European columbines of Alpine meadows are meritorious flowers in their own way, but they are heavy, clumsy, overgrown things beside these truly wild woodland blossoms. Ours have a half cultivated, sophisticated look, while the American type has a through-going wildness and freshness of aspect which is wholly wanting to the European form. It is often so, when one contrasts allied plants of the two continents: the older hemisphere has had its whole flora degraded by the excessive prevalence of meadows, pastures, and corn-fields; the blossoms of the newer hemisphere breathe rather the native beauty of open prairie or of primeval forest. In England, we go to look for flowers in the fields; in America, you go to look for them in the woods; and that one prime difference of habit implies a thousand pretty minor differences of form and aspect.

Each separate bell of the scarlet columbine is well worth minute examination in detail; for there are few flowers which have undergone such profound modification as this in adaptation to the fertilizing visits of insects. If one looks closely into the structure of the blossom, one can see that it consists of four distinct parts or whorls, three of which contain five members each. The outer whorl or calyx answers to the green cup which incloses the flower-bud in most ordinary blossoms; but in the scarlet columbine it is colored bright red like the rest of the bell. Clearly, for some good reason of its own, the columbine has chosen to withdraw the calyx in part from its usual protective function, and to devote it instead to supplementing the attractive display undertaken as a rule by the petals alone. Each separate leaflet of the calyx, however, is flat in outline, and does not differ

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

conspicuously in shape from the calyx-pieces of other flowers. But it is quite otherwise with the petals. These, as everybody has often noticed, are not simply shell-shaped or saucer-shaped, like those of a rose or a buttercup, but are prolonged into deep tubular spurs, each protruding between and behind the nearest calyx-pieces, so as to give the entire flower its peculiar horned appearance. In fact, if you pull out a single petal of the columbine, it looks for all the world like the cornucopia of old-fashioned symbolical sculpture, with a wide-open mouth and a small, narrow, tapering bottom. The explanation of these curious petals really sums up the whole past evolutionary history of the flower. Inside the petals, again, come the numerous stamens, the organs which produce the golden fertilizing pollen; and finally, inside the stamens, comes a single row of five carpels or unripe seed-capsules. So much of structural detail is absolutely necessary before we can begin to unravel the strange story of the columbine's past transformations.

And now, where did the scarlet columbine come from, and by what steps has it reached its present condition? Well, by origin and family it is a common meadow buttercup; and though it is one of the most advanced and most highly differentiated of the buttercup group, it still retains many unmistakable signs and relics of its half-forgotten lowly ancestry. The buttercups, of course, are among the very simplest existing types of flowering plants; you can see as much at a single glance into the center of their brilliant, golden saucers. Just pick one for comparison with the scarlet columbine, and note carefully the little points of agreement and of difference. An ordinary yellow field buttercup out of any meadow around you will do, for they are as plentiful in America as in England; not native-born Americans, it is true, but naturalized citizens of the United States, having followed the footsteps of the white man, with the clover-seed and the wheat, over the whole face of the civilized globe. In fact, a very large proportion of the American meadow and wheat-field weeds, like the plantain and the chick-weed, are European plants by origin; and that accounts for the broad distinction which exists in America for the popular mind between weeds and wild flowers. In England, such a distinction is hardly felt at all; every one of our native plants is a member of the self-same scrubby north European flora, with its much-degraded over-civilized types. But in the States, you can discriminate at once between the shabby

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

straggling weeds of cultivation, introduced into fields or gardens with English grasses or cereals, and the true native woodland wild-flowers, that grow now as they grew a thousand years ago beneath the shade of green American pines and maples. The buttercup belongs to the first or imported class; the columbine falls rather under the second or thoroughly indigenous division. Did not even the red Indian of early colonial days note the difference, and pathetically describe our English ribwort as the white man's footstep, because it seemed to spring of itself wherever the sole of the intrusive pale-face had once been planted?

Our meadow buttercups, then, are very simple, central or typical flowers, hardly altered in any way from an extremely primitive ancestral form. They have each five little sepals or calyx-pieces, inclosing five bright golden petals, both of the most ordinary or unspecialized shape. Within these they have a mass of yellow stamens, and in the very center a whole scattered group of separate small carpels or unripe fruits. There is nothing that marks a primitive flower more than this separateness and distinctness of the carpels. You find it in every very early type; for example, in the water-plantains among the monocotyledonous plants, and in the potentillas and buttercups among the dicotyledonous plants. Moreover, in all such very ancient types, the carpels are also extremely numerous. On the other hand, as soon as plants begin to advance in organization, we can always observe that the carpels become fewer in number; because higher types acquire surer means of fertilizing their seeds, and are thus enabled to dispense with some of the supernumerary capsules. Again, the simplest plants have always only one seed in each carpel; and therefore it is necessary that a separate act of fertilization should take place for each seed. In the buttercup, for example, the bee must deposit a few grains of pollen on the sensitive surface of every separate carpel, out of the twenty-five or thirty of which the compound fruit is composed; and if he misses any one carpel, that particular little capsule never sets its seed at all. This is a clumsy and expensive mode of getting fertilized, and higher plants have devised a better plan for avoiding the difficulty; they produce fewer carpels, but put more ovules into each of them, so that one act of fertilization suffices for a whole batch of embryo seeds at once. Moreover, in most higher types the carpels are not distinct from one another, but are welded together into one head, as in the poppy, where the cells of the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fruit represent so many originally separate individual capsules. The immensely increased security for fertilization thus effected naturally gives the plant a great advantage in the struggle for existence; and we find accordingly that most modern flowers have their carpels so welded together into a single compound pistil. Only a few early types here and there now survive to keep up the memory of the older separate condition.

But why does the bee visit the buttercup at all? Of course, for the sake of the honey. If you pull out one of the golden petals from the flower, you will see that on the claw or base, near where it joins the stem, there is a little hollow dark-colored spot on its upper surface, covered by a tiny convex scale. You will not need a magnifying glass to see the spot or the scale; they are quite clearly visible to the naked eye. If your buttercup is a fresh one, which has not already been rifled by some adventurous bumble-bee, you can see a tiny drop of liquid oozing from the spot on lifting up the scale with the point of a needle. Put your tongue to the gland, and you will find the liquid it distills is honey. The little thickened spot on the petal is the buttercup's nectary; and the convex scale on top of it is put there to protect the honey from small unauthorized insect thieves, which might otherwise steal it without benefiting the plant in any way. With the bee, or any other recognized fertilizer, the case is different. For the pollen-sacks of the buttercup ripen before the sensitive surfaces of the carpels are mature, beginning from the outside inward, and each stamen as it ripens turns toward the nectary and away from the center of the blossom where the carpels are situated. As soon as the pollen-sacks have all shed their golden dust, the carpels in turn begin to mature for impregnation, and their sensitive surfaces grow viscid, so as to receive the pollen-grains fron some other flower. Now, when a bee alights upon a buttercup head, he generally poises himself on the carpels in the center, and proceeds systematically to search the five nectaries, one at the base of each petal, for their store of honey. If the blossom is in its first or pollen-shedding stage, he merely dusts over his hairy breast and legs with the fertilizing grains, which he carries off to the next flower he visits. But when he comes to one which is in its second stage, with the carpels mature, he unintentionally rubs off the pollen from his body on to the sensitive surfaces, which are now covered with a sticky secretion, in order to retain it. As he has to turn once right round on his

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

own axis (so to speak), in rifling the five nectaries, one after another, he is pretty sure to impregnate every one of the numerous carpels in the course of his slow rotation. That, indeed, is the sole object of the entire mechanism: the drops of honey are there to allure him; the bright petals are there to advertise its presence; the pollen is there to fecundate the young seeds; and the carpels themselves are there in order to be duly impregnated by the fertilizing dust.

But why does not the pollen simply drop from the stamens on to the carpels? Why all this interaction of bee and honey and bright color, merely to secure an end which might seemingly be just as well compassed by so easy a plan as that of trusting to unconscious gravitation? Because the object nature has in view is not fertilization alone, but cross-fertilization. Breeding in and in, close intermarriage, or whatever else we choose to call it, always ends in the long run in infertility; a little infusion of fresh blood, the introduction of a new strain, always produces stronger and healthier offspring. Hence, all the best and most advanced plants are provided with elaborate devices for getting the pollen of one flower carried by insects, birds, or wind to the carpels of another; and the greater number of kinds really differ from one another mainly in the methods by which they secure this primordial necessity of their constitution.

Look away now from the buttercup to the scarlet columbine, and let us try to see what are the points of superiority which have made the more developed flower rise from the condition of the lower one; and first, let us examine the petals, which strike the keynote of all the other changes. These petals, as we have seen already, are produced behind into long spurs, which end in a blunt knob or pocket. No country child on a New England farm needs to be told that those knobs contain a drop of pure, luscious honey; we have all bitten them off over and over again when we were children, for the sake of their sweet contents, just as we have all sucked the nectar of clover and honeysuckle, or as we have all stolen the store of sugary juice from the crimson recesses of the Carolinian trumpet-creeper. Now, at first sight, it is hard to see how these funnel-shaped petals of the columbine—little blind alleys leading at last into a *cul-de-sac* of distilled honey—can ever have been developed from the saucer-like petals of the buttercup. But if we bear in mind the peculiar position of the nectary on the buttercup petal, it is not so difficult to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

understand the transformation as it would appear to be on the first blush of the thing. Suppose, for a moment, you were still further to depress the little hollow under the scale of the buttercup, what would you get? Why, the faint beginning of such a tube as that of the columbine. And suppose you were to go on indefinitely with the same process, what would you get? Why, the columbine petal itself.

That, indeed, is clearly the right way to look at it. The petal of the columbine is just the petal of the buttercup, with the tiny depression or hollow of the nectary prolonged backward into a tubular spur. And how or why did this prolongation come about? Well, we must remember that though most buttercups have got the nectary covered by a scale, they have not all got it so; and what is very significant, the scaleless kinds are among the most primitive in type of the whole family. Hence, we may fairly conclude that the very earliest buttercups of all had only a naked nectary on each petal, as is still the case in the common water-crowfoot, which brightens many still ponds or shallow ditches throughout the States with its pretty faded yellow or whitish blossoms. But there are two conceivable ways in which such plants might guard their honey from the depredations of thieving small insects, who steal the nectar without fertilizing the embryo seeds. One way would be by developing a lid or cover, like the scale of the meadow buttercup; the other way would be by hiding it at the bottom of a long spur or tube, not too deep to be probed by the big proboscis of a bee or a butterfly, but quite beyond reach of tiny, useless midges or pickpocket flies. Whatever plants happened to vary in either of these two directions would more often be properly fertilized than any others; and so the tendency, once set up, would be sure to be increased by natural selection; and that such tendencies would be set up we know to a certainty, both *a priori*, because all plants and animals are always spontaneously varying in all conceivable directions, and *a posteriori*, because here are the buttercups and the columbines themselves to answer for it that they did.

The buttercups have solved the problem how to secure their honey from plunderers in the first of these two ways; but a great many of their relations, common descendants of the same primitive ancestor, have solved it in the second. They have utilized the whole petal as a sort of long sack to contain honey. We see the first indication of such a habit in the group known as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

hellebores, which have the petals curled round into a comparatively short tube, full of honey. In the scarlet columbine, the tube is much longer and rather bent, so as to keep out small insects; while in the wild English columbine it is far more curved, in accordance with several other marks of higher development. In the larkspur, which is also a very advanced form of buttercup, there are only two petals, the other three having disappeared by disuse; and these two are prolonged as honey-jugs under shelter of a covering and protecting spur formed by one sepal of the calyx. And in the blue monk's-hood or aconite there are also, as a rule, only two petals, though rudiments of the other three still occur in some kinds; and these two remaining petals are similarly made to do duty as nectaries, being concealed under the large blue sepal which forms the hood or cowl whence the flower takes its appropriate and significant English name. In all these cases, then, the petals are really highly developed forms of the buttercup petal, with the nectary much more pronounced and greatly specialized for its acquired or remodeled function.

Notice, too, that the color of the flower varies generally with the point it has reached in the ascending scale of development. The buttercup is golden-yellow, and so are almost all other very simple and primitive blossoms. But it has been shown that as flowers become more complex they tend to pass through a certain regular gradation of tints: from yellow, the common starting-point, they go upward through white to pink, red, purple, and finally blue. Now this gradation is beautifully illustrated in the buttercup family, and very particularly so in the scarlet columbine. For while the common buttercups are all yellow, many of the higher Alpine species are pure snowy white; and so also is that pretty Tyrolese hellebore cultivated, both in English and American gardens, under the name of Christmas rose. The scarlet columbine, again, which stands higher in the scale is red, but not wholly so. If you look carefully at the petals, you will see that the lower and broader portion, which most closely represents the original buttercup petal, is often still bright yellow; it is only the more highly developed part, the long tube which represents the greatly elongated nectary, that has assumed a deep glow of brilliant scarlet. In fact, the color passes slowly, as the funnel narrows, from yellow to orange and from that again to blushing red. The buds, too, are yellower

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

than the open blossoms, which clearly suggests to one which is in reality the original and which the acquired color. The English columbine, which is a more developed type, is never yellow in the wild state, but often purple, and sometimes blue. Larkspur, once more, ranking still higher in the floral scale, in virtue of its singular bilateral blossoms, is usually blue, though it sometimes reverts to reddish-purple or white; while monk's-hood, the very top of the tree on this line of development, is usually deep ultramarine, only a few species being prettily variegated with pale blue and white. As a rule, blue flowers are the very highest; and the reason seems to lie in the strange fact, first discovered by Sir John Lubbock, that bees are fonder of blue than of any other color. Still, they are fond enough even of red; and one may be sure that the change from yellow to scarlet in the petals of the American columbine is due in one way or another to the selective tastes and preferences of the higher insects.

The remaining points of variation in the columbine are all dependent ultimately on this prime variation in the shape and construction of the tubular petals. By thus storing all its honey in a deep vase, like the stork in the fable, the columbine keeps away all useless depredators, and, therefore, all the more encourages the visits of legitimate insects — guests with a long proboscis, such as bees and butterflies. But, in order to do so, it must attract them by its color; and as the petals alone are now hardly sufficient for this task, it has acquired a bright pigment in its calyx as well. The American scarlet columbine, a comparatively undeveloped species, has the calyx still rather greenish, though tinged with the same crimson as the spur; in the English columbine and most other highly developed types, the calyx is larger and more expanded, it has lost all trace of greenness, it is colored blue or purple, and it serves almost entirely for display, the petals doing duty as honey-glands only. Indeed, as a general rule, one may say that, where the calyx is much exposed to view, it tends to become as brightly colored as the petals, and often supersedes them altogether. In the buttercups, the petals alone are bright golden; in the globe-flower, the large sepals cover and almost conceal the small petals, and they are therefore just as brilliant a yellow as the petals of the buttercup; in the marsh-marigold, as common a plant by the water-side in America as in Europe, the useless petals have been suppressed, and the sepals alone do duty as insect attractors. All these flowers are bright

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

yellow. It is just the same, however, with the scarlet, or white, or purple anemones, which have similarly got rid of the functionless petals. In the columbine, the petals and sepals are both colored, and both serve to heighten the effective display. In the hellebores, the petals are almost unseen, being hidden within the converging cup-shaped calyx; and in larkspur and monk's-hood they are quite concealed by the spur or hood which has usurped their original function. But in all these last cases, the petals still survive, though often in reduced numbers, because they are useful to the plant in a new capacity—no longer as advertisements, but as storers of honey.

At the same time that the sepals and petals have undergone these curious transformations the carpels also have been reduced in number to a single whorl of five. The bee, alighting now on the center of the blossom, is able readily to fertilize these five, as he turns about from one to another of the five long tubes and thrusts his flexible tongue into their deep recesses. Moreover, each carpel, instead of containing only one seed, now contains a whole row, a change which was already begun in the marsh-marigold and the globe-flower, and which is also found in the hellebores. These, however, had each many carpels, like the buttercup, while the more advanced columbines have been able to bring down the number to five. Finally, in the extremely developed monk's-hood, by a more advanced economy, the carpels have been further reduced to three, while in the larkspur there is only one. To the last, however, there is no union between the separate carpels, as in the poppy; and it is that peculiarity which enables us to trace so confidently the origin of all these highly evolved types directly from the very simple and primitive buttercups. Many other things might one find to say about the scarlet columbine; but life is short, and science is long, even longer than art; so perhaps this is as much as a busy world has time to hear in one day about a single woodland American flower.

GRANT ALLEN.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED